STATE OF LOUISIANA
OFFICE OF CONSERVATION

IN RE: GROUND WATER
MANAGEMENT COMMISSION
MEETING

REPORT OF MEETING
HELD AT
BATON ROUGE, LOUISIANA
OCTOBER 25, 2002

STATE OF LOUISIANA
OFFICE OF CONSERVATION

IN RE: GROUND WATER
MANAGEMENT COMMISSION
MEETING

Report of the meeting of the Ground Water Management Commission, State of Louisiana, on October 25, 2002, in Baton Rouge, Louisiana.

COMMISSION MEMBERS IN ATTENDANCE:
Karen Gautreaux, Chairman
Phil Boudreaux, Department of Natural Resources
Len Bahr, Director, Governor's Office of Coastal Affairs
Zahir "Bo" Bolourchi, Secretary, DOTD
George Cardwell, Capital Area Ground Water Commission
William "Bill" Cefalu, Police Jury Association
Richard Durrett, Sparta Groundwater Conservation District
Steve Chustz, DEQ
Dean Lowe, DHH
Michael Taylor, DED
Fulbert Leon Namwamba, Geologist
Brad Spicer, Agriculture & Forestry
John Roussel, Assistant Secretary Wildlife & Fisheries
Linda Zaunbrecher, Farm Bureau Member

AGENDA

I. Call to Order - Karen Gautreaux
II. Update on Staff Activities
III. Update on Advisory Task Force Activities
IV. Discussion of the Rules of Conduct for the Public Hearing on the Sparta Critical Ground Water Area Designation Application - Stephen Walker, Attorney - Office of Conservation.
V. Quarterly Presentation by C.H. Fenstermaker & Associates
VI. Old Business.
VII. New Business.
VIII. Schedule for Next Meeting.
IX. Adjourn.

GROUND WATER MANAGEMENT COMMISSION MEETING
OCTOBER 25, 2002
* * * * *

COMMISSIONER GAUTREAUX:
All right, we'll get started and ask our Commissioners to go ahead and introduce themselves. Len, I'll ask you to kick off the introductions.

COMMISSIONER BAHR:
I'm Len Bahr with Governor Foster's office.

COMMISSIONER CARDWELL:
I'm George Cardwell, Capital Area Groundwater Commission.

COMMISSIONER ZAUNBRECHER:
Linda Zaunbrecher, Louisiana Farm Bureau.

COMMISSIONER ROUSSEL:
John Roussel, Department of Wildlife and Fisheries.

COMMISSIONER SPICER:
Brad Spicer, Louisiana Department of Agriculture and Forestry.

COMMISSIONER BOUDREAUX:
Phil Boudreaux, Department of Natural Resources.

COMMISSIONER GAUTREAUX:
Karen Gautreaux, Governor Foster's Office.

COMMISSIONER CEFALU:
Bill Cefalu representing Police Jury Association.

COMMISSIONER DURRETT:
Richard Durrett, Sparta Commission.

COMMISSIONER BOLOURCHI:
I'm Bo Bolourchi, DOTD.

COMMISSIONER NAMWAMBA:
Fulbert Namwamba, geologist/engineer.

COMMISSIONER CHUSTZ:
Steve Chustz, Department of Environmental Quality.

COMMISSIONER LOWE:
Dean Lowe, Department of Health and Hospitals.

COMMISSIONER GAUTREAUX:
Thank you. The second item on our agenda is the update on staff activities, and I'm going to ask Tony Duplechin to give us that update.

MR. DUPLECHIN:
If we can wait about a minute or so, Mike Taylor is signing in outside and he's on his way in, so that will be everybody.

COMMISSIONER GAUTREAUX:
There he is. Welcome, Mike. We have a full slate. All right, Tony?

MR. DUPLECHIN:
As far as water well information sheets submissions go, we have received an additional 40 as of yesterday, which brings the total number to 550. Two just cause waivers were issued since the last Commission meeting for reasons of short notice from the owner, and needing to install the well before those storms hit a few weeks ago. Two forms were received less than the 60 days prior to the anticipated well installation date, for which there was no just cause waiver requested. They were agricultural wells, and no forms were received after the

fact.

The web site postings included the transcript and summary from last month's Commission meeting and the summary for the task force meeting, the announcement and agenda for today's Commission meeting, and additional updates regarding the Sparta application were made. Twice during September I met with interested parties in Minden to explain the work that the Commission, Advisory Task Force and staff were doing. On October 16th I gave a presentation to Louisiana Association of Business and Industries Environmental Quality Council updating them on the same thing, what the Commission, Task Force and staff are doing. The staff also attended the technical committee's meeting on October 21st at USGS, and USGS Louisiana District Chief Charlie Demas will be giving a report on what was talked about at that meeting in a little bit here.

As far as the Sparta application goes, during the last Commission meeting there was some discussion centered on having the Sparta Commission and their consultants make a presentation at this meeting regarding the application. In discussing this with our legal staff following that meeting we decided that it would be better to wait until the public hearing in November for this presentation to be made.

The initial hearing regarding the application submitted by the Sparta Groundwater Conservation District to have part of the Sparta aquifer declared critical will be held on Tuesday, November 19, 2002, at the Ruston High School Auditorium. A copy of the memo that the Office of Conservation sent out concerning the hearing, the public notice for the meeting -- hearing, rather, that was published in the Advocate and map showing the location of Ruston High School are included in your packets.

I might go ahead right now and speak briefly about the rules of conduct for the hearing. Stephen Walker, who is the attorney for the Office of Conservation was going to talk about this under item IV, but he is under the weather and not available or not able to be with us today. So I just briefly wanted to go over a few things that are in the rules concerning the hearing. And the rule states that the hearing is scheduled pursuant to the rules, will be fact-finding in nature, and witnesses shall not be subject to cross-examination. The chairman of the commission or her designee, which in this case will be Mr. Stephen Walker, shall serve as presiding officer and shall have the discretion to establish reasonable time limits upon the time allowed for statements.

The applicant shall first present all relative information supporting their proposal, followed by testimony and/or evidence from local, state, and federal agencies and any others that want to speak. All interested parties shall be permitted to appear and present testimony either in person or by their representatives. The hearing shall be recorded verbatim and copies of the transcript shall be available for the public at the Office of Conservation here in Baton Rouge. The testimony and all evidence received shall be made

part of the administrative record.

At the request of the staff, copies of the Sparta's application and supporting documentation were placed in the main branch of the parish library in each parish affected by the application and with the governing body in each of those parishes. The staff has confirmed that this has been done and the documents are available for public viewing. The public notice for the hearing was published in each of the parish journals of the parishes affected on or before October 19th, as well as in the state journal.

Finally, the staff has met several times with our consultants, C.H. Fenstermaker and Associates, since the last commission meeting. The draft of Part II will be submitted to the Commission staff on October 31st, and copies of the draft will be circulated to the Commission members and Advisory Task Force committee chairs as well the week of November 4th, and Fenstermaker will give a progress report and presentation in a few minutes. And that concludes my report on the staff activities.

COMMISSIONER GAUTREAUX:

Thank you, Tony. Are there any questions from the Commissioners about Tony's update, particularly what we can expect at the public hearing in Ruston? (No response.) How many Commissioners are planning to be up there? All right, good. We look forward to seeing you up there and hearing the application. Any other comments or questions for Tony? (No response.) Thanks. We'll go on to the next item, the update on task force activities.

I guess first I'll ask our technical committee for the technical committee report. There was a meeting on the 21st that I believe Charlie Demas is going to give us an update on.

MR. DEMAS:

We held a technical subcommittee meeting on the 21st at the USGS office out in Sherwood Forest to discuss better defining what a critical area was, and it was a very profitable meeting, and we all agreed on the following factors that we felt affected groundwater availability that would be used in deciding what a critical area was. Those factors included declining water levels, dewatering of a confined aquifer, that is, dropping below the top of the aquifer itself; saltwater, encroachment, that is, and compaction of the aquifer itself, which would result in long-term impacts on the usefulness of that resource.

Also what must be considered is the number of people impacted, the area of impact and the temporal effects, is it going to be a short-term effect that we're looking at or is this something that's going to happen 30 or 40 years down the line. Obviously, if it's something immediate, then that leads much more toward that critical definition.

For a critical area we agreed upon the following definition. The critical area is an area where, number one, unacceptable movement of the saltwater front occurs; two, water level declines that result in unacceptable environmental, economic, social, or health impacts. The

extent of the critical area will be defined by projected aerial and temporal impacts. So that allows you to vary what the size is depending on what the area of the impact is. So that allows the flexibility to determine critical area based on the characteristics of the different types of aquifers that you work with, that we have in the state.

I have a handout here and I can leave it at the front desk for everybody. Okay? We sent that out to everybody yesterday afternoon, and obviously it is a work in progress, but we felt it clarified some of the issues that arose at the last advisory meeting where there was a rather interesting discussion on what critical area meant. So hopefully this helps.

COMMISSIONER GAUTREAUX:

Any questions or comments for Charlie? Brad?

COMMISSIONER SPICER:

I wasn't able to attend the meeting, but was there any discussion on what's going to be considered unacceptable?

MR. DEMAS:

Yeah, I realize that's rather broad, and we intentionally left it that way because you have to consider the communities that are involved, and they have to make that decision. They have to provide that information to the Commission so the Commission can make a decision. And for instance, a foot decline in the Chicot is not anything of great concern, but a foot decline in let's say the Carrizo Wilcox or the Evangeline might be. And so you can't say -- you can't define it tightly. We wanted to give the Commission some flexibility. We also use the terms environmental, economic, social, or health impacts to tie it back into the definition that's in the bill for sustainability. So there's a -- it brings you back to one of the other charges, and that is maintaining the sustainability of the resource. So that's why we did it the way we did.

COMMISSIONER SPICER:

Thank you.

COMMISSIONER GAUTREAUX:

Any other questions or comments for Charlie?

COMMISSIONER LOWE:

I have one, Karen. I have to say this, this just has to be said. Charlie did one super job at that meeting, and I want to congratulate him on it.

COMMISSIONER GAUTREAUX:

He always does, and we much appreciate his hard work overtime, and thank you for bringing that to our attention.

MR. DEMAS:

Thanks, Dean.

COMMISSIONER GAUTREAUX:

And thank you, Charlie, for pulling that together. I heard it was a very good discussion. Mike?

COMMISSIONER TAYLOR:

I was at the meeting. I thought it was a great meeting, too, at least as long as I could stay. But I'm also concerned about the unacceptable portion. It looks

like we've taken one vaguely defined term and replaced it with another a little bit. Maybe we could at least put into words, put into writing how we expect unacceptable to be determined, if it's going to be by the local council or if it's going to be by collaboration between them and us. We need some guidance on who's going to decide what is unacceptable, because we're going to have one or two people that are affected and it's going to be completely unacceptable to them.

MR. DEMAS:

That was brought up in the discussion, and that's why under consideration we said the number of people impacted. What impacts -- you know, where do we draw the line on what we consider unacceptable? How many people does it take before we feel it's an unacceptable impact. In some cases a shallow well that really isn't even in an aquifer may go dry. The person who owns that well is greatly impacted, but in the greater scheme of things it had nothing to do with the aquifer that we are looking at. How do we -- where do we draw the line? What will be used to determine how many people before we want to make that critical decision of identification of the area for management schemes. And you were there, and we danced around that, and I guess that would be a reason to call a second subcommittee meeting and see if we can't hammer out "unacceptable." I would think, though, that that is one that the whole advisory committee should be involved in because of the fact that there are socioeconomic considerations, and we are looking more of it from a scientific standpoint.

COMMISSIONER TAYLOR:

The case-by-case nature of this is going to be a problem defining unacceptable, but maybe you can focus on the process of determining unacceptable for each case, who's going to be involved and how the process is going to work. That would be a lot of help.

MR. DEMAS:

And I think what might be very useful in that is the temporal aspects of the impacts. If, for instance, we're looking at saltwater movement, if it looks like the current usage is going to bring in salt water within a year or two years, that is definitely warranting a critical designation. If it's something that may not occur for 50 years, we know the front is moving but it's so far away, then that's something that kicks us back into the sustainability aspects of it. And so, yes, I think we can probably give you some numbers, but others are going to be dependent upon, as I said, socioeconomic factors that I feel the other subcommittees need to be brought in on to help us get a better definition on it.

COMMISSIONER GAUTREAUX:

I know a number of task force members attended that meeting. Are there any comments by any other of the people that participated present? Brad?

COMMISSIONER SPICER:

Charlie, was there any discussion under the considerations to include conservation measures that may have been implemented? That seems like something that --

MR. DEMAS:

Not for the definition. Okay. That would be something that would be in the reaction. We did not get into what management schemes could be employed or anything like that. We were just trying to help clarify the definition on a critical area because there appeared to be some confusion on what exactly or how we determined what a critical area was.

COMMISSIONER SPICER:

I think under considerations, if you're looking at an area and no one has taken any effort to determine whether some conservation measures or alternative uses could be used, I think that's really a serious consideration when you're trying to look at determining whether we really have a critical area or not.

COMMISSIONER GAUTREAUX:

I think what we were trying to help with, if I understand it correctly is how are we going to define -- and to me I agree with Charlie, that's kind of, what are we going to do, and maybe the measures that you're thinking about wouldn't be -- maybe you could resolve quite a bit of it by conservation in an area, but if it's currently -- the current rate, is it in trouble or not, do we have to take measures. I think that's what Charlie was trying to help us -- I understand what you are saying, Brad, we need to incorporate that into management, and it certainly would be part of any plan, but --

COMMISSIONER SPICER:

I understand that, too, but I think it's critical to think, if you're going to determine an area's critical, do we really need to make it critical if there's simple conservation measures that could be considered? I mean, I think it's key to --

MR. DEMAS:

But that comes under temporal, because if they are enacting measures already, then the temporal consideration kicks in, and you're going, okay, well, they're making actions, you as the Commission are looking at it and saying, all right, we feel that the current actions already employed are going to result in relief to the situation within the next year, and we feel that's acceptable. Then that's how you could work that in. But as I said, we tried to focus strictly on the definition. As far as mitigation or management schemes, that was not what the focus of this particular meeting was. We tried to bring it back just to that, and if you want us to hold a separate meeting on that we would be more than happy to do it, but we felt that this was important that we just focus on that for now.

COMMISSIONER SPICER:

I don't need a separate meeting, but I think we need to have further discussions on that, really. Thank you.

COMMISSIONER GAUTREAUX:

Thank you, Charlie. Any other task force committees want to report? (No response.) Now we'll have our quarterly presentation by C.H. Fenstermaker.

MR. HAMILTON:

We are in the homestretch right now. As they mentioned earlier, our draft review is due October 31st, that's next Friday. It will be in Tony's hands then. We're on schedule. I think the final report is due December 16. In between when we submit the draft report and the final there will be a Commission meeting. The draft report will go out to Commission members. There will be a Commission meeting and we will answer questions and discuss some of the other items that might come up as a result of reviewing our plan.

Today we have a lot to cover. We're going to talk about the preference feasibility, just a little bit of the results that came in. We had a very successful survey there. We're going to talk very briefly about incentives for switching from -- conservation incentives and switching from ground water to surface water. We're going to talk about very briefly a couple of points about the critical area. Charlie's group did an excellent job. We had some people sitting on there, I understand the discussion got very lively, and what was really amazing about it is if you would have had this meeting a year ago you would never have gotten a consensus, and it was a very strong consensus on what they did and what they came up with. So that committee is to really be commended. We're going to talk a little bit about the permitting process that we're going to propose, and then we're going to end up with the agency structure that we're going to propose. We'll put a schematic up and make some points about that and answer questions.

So without going any further I'm going to turn it over to Bruce. And I think what we're going to do is, in the past we've stood up and made our presentations. I think we're going to try to do like Charlie did, sit here and show the slides and talk and answer questions as we need to.

MR. DARLING:

The report for part 2 will cover -- include the following chapters, Chapter 6 through 11. Chapter 6 is actually in part 1. We are revising chapter 6 modestly here to include a discussion of the need to have a clearer, more fluid definition of critical areas, and we're going to include text in chapter 6 to incorporate the work done by the technical committee here with regard to the definition of critical areas.

Chapters that we're working on now are, 7, identification of water management strategies. This is a discussion of different strategies and technologies that can be used and have been used around the United States to promote water conservation, as well as water management. That also includes the preference feasibility analysis. Chapter 8, an evaluation of water management strategies in which we break these down to look more closely at how the different sectors and different stakeholders have responded to the list of recommended strategies. The selection of water management strategies, discussion of those that are probably the most appropriate for different regions, different stakeholders.

Chapter 10, the legal and inner jurisdictional

issues. These are really quite important, and I think we will address those in some detail today, as well as the recommended water management agency, which will really be the subject that will attract a big one, we'll concentrate on most today. Chapters 7, 8, and 9 are still somewhat in progress and we will only have incomplete chapters there, but you will have really a complete -- should have a complete set of chapters 10 and 11 to look at. These are really probably the meat of what we're going to be addressing here in the second part of this management plan.

I want to talk briefly about the preference feasibility analysis that we conducted. To remind you here, the preference feasibility analysis ranks the preference for and the perceptions of the feasibility of implementing different management options. It was done successfully in Texas, in our water-planning program there; we applied it here. We received 227 responses or about 52 percent of those we sent out. The largest response was from the agricultural community. Approximately 50 percent of the 227 responses were from Ag, and so much of what we see there is influenced highly by how the agricultural sectors responded to these questions.

We've evaluated these things on a statewide basis. We've broken down also to evaluate how the different regions, the three regions responded to the questionnaire. We've also tried to break out how the different stakeholders groups have responded to this. Now, I'm not going to show any of these graphs today because we're not prepared to show you anything without having had a chance to analyze these things thoroughly, but I will tell you that we are seeing some -- a fair amount of uniformity, inner regional uniformity. I think this is largely because of the heavy response of agriculture. But when we break out the different stakeholder groups we are seeing some different responses here to the different strategies, and we're trying to pay a great deal of attention to that in order to help you understand how or why different stakeholders groups view different strategies as they do.

Another major thing that we're working on, this is still in the works here, is the incentives program. We are particularly interested in looking at how incentives can be fashioned to encourage conservation or also to encourage different users of water, specifically large volume users of water, to switch from the ground water to surface water. We surveyed different states to identify or find incentive programs that have been used. We really only found one that I think applies to what we're trying to do in Louisiana, and that was up in Arkansas based on Act 341 of the 1995 Arkansas Legislature. That act is titled Water Resource Conservation and Development Incentives Act. It's a tax incentives act. We have documented the results of the program. I've been in contact with the people in Arkansas, Arkansas Soil and Water Conservation and various people in Union County, Arkansas who have been involved with this to document the

results of the program, the effectiveness of the program. And right now we are in discussions with people in Louisiana, specifically those attorneys with the Attorney General's office, to examine the legal requirements for implementation of similar incentives programs in Louisiana, and we hope to have a detailed discussion of that for the final report.

We're also working on the public education program. We've been looking at how different public education programs have been implemented around the United States to make some assessment of how public education programs can be applied in Louisiana in order to encourage conservation of water.

Just briefly, Charlie Demas just discussed the critical areas definition. This has been something that we have been bothered about for a long time because we thought that the original definition wasn't fluid enough to allow us to approach the definition of a critical area without applying, in some cases, what we would call a rule of thumb that may or may not be applicable in all areas. You may recall that Act 446 defines a critical area as an area where sustainability of an aquifer is not being maintained under current or projected use or under normal environmental conditions, which are causing serious adverse impact to an aquifer.

The definition that the technical committee came up with, and I call this the consensus definition, was one that looks at the unacceptable movement of a saltwater front in an aquifer, as Charlie said, water level declines that result in unacceptable environmental, economic, social, and health impacts. And, of course, the word unacceptable is not something that you can quantify, and that's going to require a good deal more attention, but it does focus attention on what different communities and what different regions of the state may or may not find to be unacceptable. What is unacceptable in one region may not be unacceptable in another because conditions in one area may not be unacceptable in another area, and that's because aquifers are not all alike.

And finally, the extent of the critical area will be defined by the projected aerial and temporal impact, and what that does is that forces you to look more closely at whether or not these impacts are short term or long term, and also forces you to look more closely at the actual physical area that would be impacted by a potential problem.

The consensus definition was based on factors derived from evidence of saltwater movement in aquifers. Other evidence of unacceptable water quality, concerns about the dewatering of an aquifer, the compaction of an aquifer, and on top of that I've added subsidence because subsidence would be something that would follow on compaction. Subsidence has been a major problem in areas of the Texas gulf coast and there is reason to suspect that that subsidence could potentially be a major problem in south Louisiana, given the similarity of the south Louisiana aquifer systems to those of the Texas gulf coast. So I think that when you look at the physical

factors that might help delineate or define an area as critical, you have to add subsidence on top of compaction, but you can't have subsidence until you have compaction.

Other factors were the number of people affected, again, the time interval, the economic impact and the area of the impact. So these definitions I think may not be the final definition that we are all happy with, but I think it's a step beyond the definition that we find in Act 446. It's a more fluid definition, and if anything it will probably encourage more discussion among members of the technical committee and the commission to help us all in the long run and for the final report, hopefully, come up with a definition of a critical area that I think we can all live with.

This is my shortest presentation ever here. I'm going to turn this over to Brent Sonnier who will discuss the permitting process.

MR. SONNIER:

We are recommending a three-tier permitting process that is partly based on what we already have in place as far as what is being filed with the Commission already. The three types of permits, as you see up here, would be permit by exception, general permit, and an individual permit. The permit by exception would cover the wells that we've already accepted out of the general notice rules, including replacement wells, small domestic use wells, dewatering wells, monitoring wells, and all the other types of wells, rig supply wells that are included now. You would simply file an application, as we're doing now, saying here's where the well is going to be, giving the pertinent information, and upon review by staff to assure that that basically is what the well is as it is termed in the application, the application would be essentially an automatic grant to the applicant.

Under a general permit we would propose that there be a threshold of wells that are not in the exception, but currently the Capital Area Groundwater Commission and Sparta Groundwater Commission have a threshold of 50,000 gallons per day capacity or less is not -- those types of wells are not subject to certain requirements. Under the general permitting scheme the applicant would file for a general permit well with the basic requirements, and when we say general permit it would be under a statewide order that as long as the requirements were met and the threshold of capacity was not exceeded, it would just require really a basic notice that the well was going in in the journal of the parish in which the well was going in giving the basic information, and unless there would be a contest from any party to the well going in, basically it would be just the application would be granted without hearing by just administrative application.

The last type of a permit would be an individual permit exceeding the threshold, whatever that is set, but for argument's sake we're saying greater than 50,000 gallons capacity per day. You would file an individual permit, and it would be an application process that we'll go through in a second, but it would, if contested, go to hearing, and that would be a determination on the critical

water basis, you know, is this type of large permit, because under a general permit we are having a presumption, really, that that will not cause a problem as to cause a critical area. It would be a different matter if the general permit was filed in a critical area, then, of course, staff would review and make a determination if the general permit should then go to a critical determination. But really, the hearings on the critical water issues would be reserved for the individual permit, and I'll go through the application process as we see it.

What we're proposing is setup basically along the lines of what is used in the oil and gas conservation hearing process in the Office of Conservation at this time. The applicant, in addition to filing a notice of intent to drill the well, would file with the Commissioner of Conservation a pre-application notice and conference notice. What this is is simply a summary in letter form of what is being proposed in the way of the well being drilled, what its capacity is going to be, of course where it's located and all the different requirements, informational requirements that would be involved.

That application notice would also be sent to all of the interested parties in the area, and how we would define that would be, that would be properties adjacent to the property on which the well is going in and any other tracts of land that could be affected by what is called the radius of influence of the well, just what is going to be the drainage area reasonably estimated for that well. That would be sent to all of the different interested parties who own rights in the area as that's defined, the notice area.

In addition to telling the applicants, or the interested parties about the requirements of the well, it would also have a pre-scheduled conference. It's called a pre-application conference, and it says at this day and this time and at this place a conference has been scheduled. And how the process works under the oil and gas rules is that any interested party who wants to have the conference simply contacts the applicant and says within ten days of the mailing of the application I want to have the conference. Then the conference is held if there is a request to do so. And the conference on the oil and gas side is generally scheduled at least 20 days after the mailing goes out of the pre-application notice. And if the conference is not requested, then the applicant is free to go ahead and file the application without the pre-application conference.

But what the pre-application conference is designed to do, and why we think it is critical to this process that we're proposing is that it has the parties gathered together outside of the context of a formal hearing, and the applicant presents what its hydrology, what its estimated that the well is going to do, what the effect is going to be, and any of the interested parties are free to present other hydrology or what they believe the well will do, and it gives the parties a chance to interact, to talk about things, and they may even resolve

all their differences prior to the applicant making application. It has worked well in the context of oil and gas because it usually resolves a good deal of the issues and you avoid contested hearings.

The other thing that we're proposing that is different from oil and gas is right now because you have relatively sophisticated lessees that usually attend pre-application conferences that are relatively knowledgeable about oil and gas practices, staff does not participate in these oil and gas conferences. We would have a different view on this, though, we would have at least a member of staff participate because of the rights involved and hydrology involved and the permitting and drilling of water wells, you likely would have people in attendance who are not knowledgeable about hydrology and different legal aspects that will be built into the process. So it would be probably a good thing to have a staff member there, really to not only work with the parties that are there to try to resolve issues, but also to come out with a recommendation as to the merits of the application and the contesting views of what has been presented. That would be made to the commission in the hearing process. It would not be binding on the commission in any way; it would just be a recommendation of staff of the merits of what is being presented.

As I said, if the pre-application conference is not requested by any interested party, then the applicant would be free after ten days of mailing to go ahead and file his application. The application would then be subject to review. The Commission staff, of course, would be free, even if there was no contest to it to say we still think this could involve a critical groundwater area. And, of course, we are retaining the determination of a critical groundwater area as the jurisdiction to go to hearing on these matters. If someone is contesting that it could cause a critical groundwater area or if one indeed exists where the well is proposed, then that would, of course, trigger the Commission's jurisdiction to go forward with a hearing to try to resolve those issues.

After the pre-application conference is held, then the applicant, along the lines of the oil and gas rules we have, would go ahead and file his application, but he would have a brief report of what was discussed in the meeting. There would be no statements that were actually made. It's akin to really a settlement conference where you don't make the actual statements, you just simply say these issues are still contested, and you identify the interested parties who will probably be contesting the application, and that small brief report is contained in the application.

After the application is filed it goes to the review process to make sure it is complete, and then a public notice goes out as far as when the hearing date is set, time and place, obviously, time, place, and date of when that could be held. It could be held here at the Commission office, it could be held in the districts. And Brad is going to cover in a moment how we're going to be proposing that there be different districts within the

state that these hearings possibly could be held at as well.

But you would go through the hearing process, and the parties, the applicant, of course, would present their data and evidence, any contesting parties would be free to present their data and evidence, and the way it works on the oil and gas side is you do not necessarily have to attend the pre-application conference to reserve your right to contest what is being presented. You simply have to make sure that your evidence is in the hands of the applicant and any other contesting parties within 15 days before the hearing so that that can be considered, but you still have the right to bring in evidence even though you may not attend the pre-application conference.

But that would be the basic structure that we would go through. We are looking at recommending that, as with oil and gas matters in the state, that when you have a contest and we're dealing with critical groundwater areas that we use a system of correlative rights as the basic doctrine for the state. And the basic theory behind correlative rights is that everyone that has a right to use of a resource will have the opportunity to recover their fair and equitable share of that resource.

So we envision if you have a pre-application conference, one of the things that we would want to know from every interested party who may be affected by the well, what is your current use, what are you producing on a daily basis out of your well. Is the applicant asking no more than the same amount of use for that use, and if the applicant is merely proposing that he be granted the same amount of use, we have to consider that they have the right to the use of the reservoir under their land, and we would probably be recommending looking at it from a surface-acreage basis.

If I have 100 acres and everyone around me has 100 acres and they're making use of a certain amount of water, I should be entitled per acre to so many gallons of water per day as my just and equitable share. If the applicant goes, no, I want far more than this, then the burden would be on the applicant to show that he is not going to have an undue affect on the correlative rights of the neighboring properties. These things could be talked about in the pre-application conference. I think as Commissioner Taylor and Commissioner Spicer raised the issues, mitigation of these problems through conservation methods, alternatives to groundwater use could all be considered within the pre-application conference setting, and for staff to be able to make recommendations on the merits of each application as it comes up.

And even though we may have a less than rigid definition of critical groundwater areas, we could apply a lot of the concepts that are already built into Act 446 to try to reconcile matters to give the Commission when it does go to hearing a good idea, this is what may be unacceptable in this particular area, the environmental and social, economic problems that may arise, it may well merit a critical area designation or it may not. But we hope to resolve a lot of this, as I say, through the pre-

application process, getting all the cards out on the table right up front, and we think it will really resolve a lot of matters that inside a formal hearing process could not be resolved.

So that is basically what we're proposing for the permitting process, and then how a hearing on application would proceed as far as large use wells that are above the certain threshold that are arguably the types of wells that could cause the creation of a critical groundwater area.

MR. HAMILTON:

I'd like to point out again, this is the permit to drill a water well, and a great majority of the water wells, even though they exceed the threshold for a general permit and are kicked into an individual permit, a great number of those will not be contested and you won't have to go to hearing and everything else. If a farmer wants to come in and drill another well on his property, and he's using more than 50,000 but he's not using anything more than his neighbors, we don't envision any kind of a contested hearing or anything else. Notice will be made, if no contest is made then the permit is going to be granted, you drill your well. What this does, though, is it allows interested parties to contest anything that they feel is not just and equitable in the way of withdrawing water.

A large user, if he wants to come in and do that -- if you follow the process, initially the burden is on the contesting party to show that they are being harmed or that the aquifer is being harmed. But as soon as you get into hearing and you contest it, and even in the pre-application conference, if it is held and it is contested, and it's brought out that these people are using more water than their adjacent neighbors, well then automatically you push the burden onto the applicant to prove that they are not doing damage or harming the neighbor or harming the aquifer. So initially the burden is on whoever is contesting a permit to drill, but if in the pre-app conference it is determined that, hey, these guys are asking for more than their correlative rights would allow, then the burden shifts over to them to prove that they have right to it or that they are not harming the application.

The permitting process is put in place to set the terms and conditions of the water well. We might need to set conditions on data collecting, frequency of collecting data, those kind of things, closure of the well when you're through with it. So by forcing or by insisting that everybody that drills a well has a permit, we allow -- I say we, the Commission or whoever the agency is is allowed to put terms and conditions on that particular well. And this is the reason the recommendation is coming from the project team. We feel like you have to get a grip on everything that goes into the ground, even in the form of the exceptions, you have to be notified and that's why we're proposing the permitting process.

Bruce, do you have anything to add to that?

MR. DARLING:

No.

MR. HAMILTON:

What we're going to go into now is the agency structure. We're going to throw up a diagram of a proposed structure. There are two major bold boxes up there in white, one of them represents what is going to be located in the agency in Baton Rouge, so to speak, and the smaller white box below will be regional offices or district offices or however you want to frame it.

The first thing you notice is that we are recommending that the water resources division, and we're just calling it a water resources division for purposes of this document and for talking purposes, be located in the Office of Conservation in the Department of Natural Resources, and we'll go into some of the strategy or some of the reasons why we are recommending this in just a little bit. The first thing that is obvious up there in the left-hand corner, and it's obvious because I'm reading it here, you can't read what's up there, but it says this is a Louisiana water commission. And this would be a commission that's very similar to the commission that's sitting here right now. It would be limited to seven members. The Commissioner of Conservation would sit on it, the Office of the Governor would have a seat, Department of Agriculture and Forestry, Department of Environmental Quality, Department of Health and Hospitals, Department of Wildlife and Fisheries, and the Louisiana Geological Survey.

This is an odd number of commissioners so that there is a tie-breaking procedure built into it, and these would be the initial and the final authority and policy-making board for this particular agency.

The water resources division shown through a dashed line connected to that box in the upper left is obviously part of the Office of Conservation, but they will act again as the staff for the water commission. They will be composed of three regional staffs, if you can see it coming down, administrative staff, region I staff, II and III. What we envision there are staff geologists, and I use the term geologist because we don't envision just one person serving all three regions, and we don't envision one geologist being able to manage a region by himself, maybe a senior geologist and some lesser technical staff, but still some kind of scientific staff to support the things that are going to be required of that regional staff.

On the far right-hand side there it says staff or other programs. If you'll notice right now the programs, and you can't read them right now, I'm going to read them for you, water well registration program, water well drilling licensing and regulation program, water well construction and plugging standards program, cooperative program with USGS, groundwater data collection and dissemination program, and water supply availability and use program. Right now those programs are located in DOTD. And I need to add this, that we feel like they need to be moved over into this particular agency, and again, we'll get into the reasons for it, but I want to say that

right now they're very successfully run, they've been very well managed.

The data that they have collected is good, but we feel if we want to avoid some duplication of effort, duplication of staff and things, other reasons we feel very strongly that that all ought to be centralized in one place, and we felt like this is the place it would be. But again, it's something that we are going to recommend that those programs transfer from DOTD to DNR, and it's certainly no reflection on how the programs have been run or how successful they are, they're very successful programs and we feel like they just ought to be brought over.

Underneath the regional staff is the local or what we've termed as located across the state will be regional districts. We envision these to be akin to the Sparta Commission, akin to the Capital Area Commission. These are to be made up of non-state employees, regional stakeholders. They are totally authorized legislatively, maybe appointed positions in them. We want these groups to be the spokesperson for their region, and we envision them to be able to do some of the things that carry out the policy and the directives of the water resources division, do a certain amount of enforcement with water resource division's approval, possibly -- and, again, we have not worked out the details and I think it will be up to the Legislature, but they may have enforcement or taxing abilities, depending on how much authority the water resources division wants to extend to them. But they will be the local eyes and ears, they will be the ones typically who an application for a critical area will come up through, but it won't be limited to them.

If a body or a region or an individual organization wants to make an application for a critical groundwater area they can go through the district, they can go directly to the water resources division. The water resources division staff, if they see fit, should be able to recommend that we go into hearings and discussions on the water resources division -- I mean, on the critical area status of a certain area. So we're not limiting where critical area applications and status is generated or how it comes up through the process.

Brent and Bruce, am I leaving something out here? The basic reasons -- let's go to the next slide and we'll open it to questions, and I'm sure there are other questions that we've already answered but I'm just not bringing them to mind right now.

Part of the reasons for trying to consolidate this all into one area is that we want to avoid duplication of administrative services and data collection. Right now in order to drill a well you make -- you present something to Tony and his group and you present something to the water well registration program. In essence, when we get into the actual structure and application of this new agency, you'll be making an application to the water resources division. The information that's going to be required on the form that you will submit will -- it will include everything that's already being asked for in the water

well registration program over at DOTD, and it just -- in our mind it's not an efficient way to do something to require data -- to require an applicant to file with two different agencies when we can avoid that duplication and collect data and make it a little bit more efficient.

It consolidates the programs and databases that are integral to effective groundwater management all into one structure, all into one agency. The funding will be a little bit easier to acquire, and the management of those databases and programs will be all under one jurisdictional entity. Extraction of mineral resources already regulated by DNR by legislation. Water is statutorily defined as a mineral. And the last reason is that the framework for the regulation of water already exists within DNR, and that was what Brent was speaking to. This same framework is used for oil and gas. The experience of regulating minerals is already existent in DNR, and we can't take that same framework and apply it directly to water regulations, but it can be adapted to it, and that's what we are proposing and how our document will come out. So this is some of the reasons that we look to see all of these combined into one agency, and that agency is going to be the Department of Natural Resources, or at least that's our recommendation.

Bruce, Brent, anything?

MR. DARLING:

If you'll recall in a previous presentation we looked at three possible structures, one a top-down structure governed by the state from top down, another one was a compromise in which you had a state office such as what we are envisioning here working in conjunction with regional districts, which lack, in this case, the regulatory authority but which might have some limited regulatory authority, but the point is that these regional districts will be, as Brad described them, the eyes and ears, and maybe even the local technical staff watching aquifer conditions in their areas and reporting back to the offices in Baton Rouge.

The third suggestion was to have autonomous districts that set policy on their own and operated as they saw fit. We saw that third possibility as something that would lead to chaos in the state. We feel like what we're proposing here would guarantee a uniform application of at least state statutes here as they apply to water resources right now and as they may evolve over time. So what we're looking for is to have involvement in the regions in Louisiana with oversight by a commission in Baton Rouge.

I think based on my experience elsewhere that this gets away from some of the problems I've seen in Texas in which we had a proliferation of groundwater districts, each of which seems to have its own agenda. Here we seek to avoid that by having this uniform framework within which we all work together under the guidance or direction of the commission, but taking into consideration the input of the districts.

MR. SONNIER:

I would just add that we already have the two

existing groundwater conservation commissions with Sparta and the Capital Area that we would be retaining to a great part, plus there have been very many conservation districts, irrigation districts and things that have already been established that could work within the district structure. You'd have input because they have been doing it for a long time and probably have a lot of information that they could provide for effective water management.

MR. HAMILTON:

The three boxes in the regionally located districts are not to imply that there would only be three regional districts. We've envisioned anywhere from six to seven right now that we can identify to allow stakeholders across the state, even though they are in the same region, to have a commission that -- because they have different conditions on the aquifer, they have different socioeconomic conditions and everything else. So we're not trying to jam everything down into three districts. What we're doing is the administration in Baton Rouge will be made up of three district staffs, but we envision a number of regional districts, each one -- there might be some in the Florida Parishes or other places, maybe the Chicot could because they are such a diverse difference between water use in the east and the west of the Chicot, maybe there can be two there. We would envision in north Louisiana to separate the Sparta into maybe several districts just because they have different interests, different aquifer conditions and things like that. So we are not implying that they remain the same.

The object is for the regional staff in Baton Rouge, those geologists to be familiar with their district and maintain and work with the permitters only in their district. We're not asking those geologists to become familiar with aquifers across the state. We are wanting them to concentrate and collect data and build up a body of knowledge about their district and their region and the aquifers they're responsible for.

One of the boxes that didn't get on that diagram and parallel to the regional staff and the staff for other programs would be the staff for the permitting process. We envision the permitting process -- I mean, the permitting staff to make heavy use of the region I and II and III technical staff, when they receive a permit that it probably will be routed through that staff in a commenting role and say tell me what we've got here, especially if there's any kind of controversy or contest on it.

I guess if you want to open it to questions, Karen, that will be fine.

COMMISSIONER GAUTREAUX:

Yeah, and I'll start. Unfortunately I had a conflict today, there was a staff discussion of the structure. We had a preliminary discussion, but I just wanted to hear a little bit of the conversation in terms of, obviously, the commission makeup is a little bit different, our user groups and DED are missing. Can you tell me a little bit -- was that input anticipated, I

imagine at the regional level to blend those interests, but can you talk a little bit about how you came up with -- obviously, there are mandates relative to those agencies that are up there, but in terms of the difference in the composition of this commission and that one, can you talk a little bit about that?

MR. DARLING:

I think the idea here was to have -- let me state that the Louisiana Geological Survey is listed up there. In our last conversation, as you recall, we actually pulled them out or had them working in an advisory capacity to the technical staff, and they are replaced in this case by the Department of Economic Development in Louisiana. The idea was to have commissioners at cabinet level positions sitting in on this with their own staff making these decisions here. It streamlines it somewhat, you have fewer people to work with, but you're working with cabinet level appointees in this case.

MR. HAMILTON:

We did envision LGS as kind of the technical arm or technical advisory staff to the water resources division.

COMMISSIONER GAUTREAUX:

Mr. Durrett?

COMMISSIONER DURRETT:

First question, in the permitting process that you're proposing, presently we have a registration process statewide. If you're in an area that is not a critical area, what is the reason for having permitting versus the present registration, or what information would the permitting process furnish you that's not already furnished in the registration process now?

MR. SONNIER:

I think essentially you would have the same type of registration. It would be really the threshold that are triggered for what type of permit you receive. If it is a well, let's say in the general permit requirement, we may want to put as a general permit requirement that you have to have a meter on that well because we want to know how much water is being used. It's a way to be able to put things in place, not just registration of the well, but to issue a permit saying that we have certain requirements you need to meet, annual reporting of your use. It's just a way to be able to tell people once they register they get -- their application is filed, they'll get the permit back, it just says these are the things we'd like to do.

But it's really nothing more than a registration process with a permit that comes back to the individual saying here are the basic requirements under the rule that you're -- under which would be a general or rule by exception, which we don't anticipate any further requirements really, just knowing where the well is and what it's being used for. So it really is just a way to get in the hands of the owner, the applicant of the well, what is going to be required through a formal basis, but we don't envision it being any more rigorous than just what the registration process we have now. And it does

have a notice requirement on the general permit, as we're proposing it, simply to alert through parish wide running it in the journal in the parish that this well is going in and if anybody knows why there should be a contest that they can raise the issue.

In a general setting it's going to be basically, though, on the person contesting that because we're proposing that there be a presumption that a well below the threshold is not going to cause a problem unless staff identifies that well as going into an area that's already been declared critical, and then a decision is made by staff, do we have to have a hearing to entertain these issues.

The larger wells that are of concern that could generate would be a more structured proceeding where if you're seeking an individual permit it would not be just a general rule as to requirements, it would probably be if you had a hearing to set the permit out, the permit would be issued as much as an order is issued by the Office of Conservation that would set the specific requirements on the applicant based on what was resulted at hearing. Do we need controls? Is there a pumpage rate that we are not going to allow that applicant to exceed?

So it's just a little bit more strenuous than the registration process on the individual permitting process, but the benefit of it is you do have the pre-application setting where you can work a lot of this out and get some things set in place where you may not have to go to hearing at all. The applicant simply says I agree to what -- the permit you'll give me, the contestants say, we're satisfied, you merely issue the application or the permit based on the application that is agreed to.

COMMISSIONER DURRETT:

My point is, if it's in an area that's not a critical area, you're going to go through a permitting process that's probably going to take a considerable amount of time, where under the current registration process they're not delayed.

MR. SONNIER:

Well, they do have a 60-day requirement, I mean, we wouldn't be waiving it, but it is a 60-day notice requirement that you give us notice and then 60 days later you can drill the well. But my experience in dealing with oil and gas matters, usually a unitization matter can be resolved within 60 or 70 days.

COMMISSIONER DURRETT:

And then that brings up another point. You keep mentioning oil and gas. The water -- the aquifers that the water come from don't react or are not the same as oil and gas reserves.

MR. SONNIER:

I realize that. And there are differences that we are saying stresses the similarity in the process we can use, but from a technical standpoint realize from a hydrologic perspective that we are going to be using hydrologic principles to decide these matters. We're not going to be trying to draw essentially units that define oil and gas reservoirs based on geology. What we're going

to be saying, these pieces of property are designated to be in a critical area, trying to base it really on property lines of people that should be in the area as opposed to people that are not in the critical area. So there are differences that we are well aware of, but we're saying that the process itself can be employed mainly to work out a lot of differences before we have to go to hearing which is going to save resources for the Commission and get some issues resolved that may not be really issues at all if people can sit down in a setting and talk it out.

COMMISSIONER DURRETT:

The other question I had was, in your organization of the state groundwater commission, there will be no local representation of any of the aquifers on the commission?

MR. SONNIER:

All of the local representation will be really from the regions, at the region level, that will have considerable -- make considerable recommendations about what is going on within their regions, their districts I should say, their districts and the regions, and there will be recommendations that come out of these groups. We're looking at the local input to be in the districts that will have a say when these hearings go off about what should be done, and that staff geologist up there per region will be working with these groups to be able to make the recommendations.

COMMISSIONER DURRETT:

But the ones that will make the decisions, there will not be a representative from the local aquifer; you're not recommending that.

MR. SONNIER:

Not on the panel we have formed there.

COMMISSIONER DURRETT:

One other comment you made. You mentioned regions, the state would be divided into regions and they could be regions, like, an aquifer could have more than one region, and I have a little problem with that. What you do in an aquifer affects the whole aquifer. How do you draw the line of what this region does in this aquifer, in this region -- the other half of the region in the same aquifer?

MR. SONNIER:

Well, if you remember the map I think that was submitted with part I, there was really three regions devised, and what we did was put the three major aquifer systems, you know, the Chicot in Region II, Sparta is in I, Southern Hills and equivalents are over in Region III, and that's what would be maintained, and that takes in in that region all of the aquifers.

Now, as far as multiple districts, we envision that we have interplay with these districts about what is done that if you have recharge over here on the western side of the Sparta, and then the Sparta as it is constituted now, that part that is in the eastern part, there would be interplay about what is done. This would not be -- we do not want to see districts having their own

agenda, as Bruce pointed out, that there is interplay here, reasonable management of the aquifer with interplay between the districts as they may be formed. There are just different concerns over in the Bossier Shreveport area as there is in the West Monroe area. We're trying to let people have a say, but nevertheless, the policies, once the recommendations are made from these differing groups the policies will be set in Baton Rouge of how this is managed. To have a statewide functioning management system, what we feel is what really 446 was trying to do.

COMMISSIONER DURRETT:

And when you have a statewide management system, like you commented earlier, that every aquifer is different, a one-foot drop in the Chicot is different than a one-foot drop in the Sparta. But there's no local representation from the aquifer on the state commission.

MR. SONNIER:

No, not the way we have proposed.

COMMISSIONER GAUTREAUX:

Bo and then Fulbert.

COMMISSIONER BOLOURCHI:

I have a comment, two questions for Brad. Number one, it appears to me you're using the term “permit” and “registration” interchangeably.

MR. SONNIER:

Well, it would be a registration.

COMMISSIONER BOLOURCHI:

Let me finish. They are not the same. A permit to me is basically a letter of intent from an owner to an authority explaining to the authority the intent of drilling a well the approximate size and approximate depth and approximate location before the well is drilled. That doesn't explain actually where the well was drilled, at exactly what location, and most importantly what size, what type. So even if a letter of intent for a permit has gone in, in my opinion, registration, if you want to get the actual data as built, I think that authority needs to keep track of that, number one.

Two questions on the legal permit, I have two questions for you. Number one, what type of wells, what category of wells will be forming under that definition of individual permitting process; and number two, how many wells do you think would fall under that definition per year?

MR. SONNIER:

As far as the first question, we envision a threshold that's being used now by the Capital Area Groundwater Commission, and it's in the Sparta statutory enablement act of 50,000 gallons per day capacity use. If a well exceeds that, that would probably move it as our proposal using that threshold from general into the individual permitting.

As far as the amount of wells that would fall in there, I really don't have a number. Bruce might have a better idea.

MR. HAMILTON:

Currently on a yearly basis right now I believe you're registering somewhere in the 6,000 range, 6300, 6700. It varies the numbers we've seen since '95, but we would expect a great number of those wells to be -- I would say a certain number of them to be permit by exception, which would be your rig supply and monitoring wells and things like that. We would expect that there would be a number of other ones that would fall into the general permit, but I don't know -- I would be guessing, though, if I told you maybe 50 percent. I really don't have a feel for that right now. The thing that I feel like is going to happen, though, is even though they fall into the individual permit category, they're not going to be contested. And if they are not contested, then the process moves ahead in a timely fashion without delay, and that would somewhat, Mr. Durrett, address your concern that there is going to be a big delay in this.

The process is put into place so that there can be an inherent delay if there is contested -- if the well is contested or if it's in a critical area. That was done on purpose. We need to -- and also, like Brent said, we also may need to attach conditions to that well, and the permitting process is the way to do it. We envision when you make your -- when you apply for a permit that you supply us with where your target screen is, what your well size is going to be, what the location is, and part of the conditions may be to the permit that if it is not drilled and sized and screened at those locations you have to notify us. But in addition to that, we would still probably insist, not probably, I'm sure we're going to insist that currently like you are doing, that somebody go out with a GPS system and verify what was in the field. I know y'all are doing that and I think that should be done also. At some point afterwards the loop has to be closed and say, yes, they did drill a 6" well and it's screened here and it's at this GPS location and it looks to be fine.

COMMISSIONER BOLOURCHI:

Just a follow-up on registration versus permitting. If you ever sat on a drilling site you would know that what you thought is going to be is not exactly the same as what you're getting. It's a difference between drilling a well and building a piece of highway or a building. No well is the same. Regardless who is handling this program, the registration process is needed because that's exact processing. Thank you.

COMMISSIONER GAUTREAUX:

One second, Tim, and Fulbert you're next. But as I understand it this proposed permitting will allow you when you have wells that are questionable to put in management measures without going through critical groundwater area designation, you can address issues in that specific location without going through a huge process. So I can understand the rationale for that recommendation. Fulbert, you had a comment?

COMMISSIONER NAMWAMBA:

I just wanted to make a comment, and then sort of a recommendation, but I think somewhere between a comment

and a recommendation. First of all, you talked about water being defined legally as a mineral or under the mineral act or as a mineral resource, and I think the paradigm right now is that water is a renewable resource. You would view water the same way you would look at the forestry resource or something that would be normal. Where is the mineral you're talking about exploiting the resource and finishing it, and you want to look at how do we share out who gets what. But water, you're looking at it in that it's not a question, you're not going to deplete it, you want really to have it being around for a long time. So somewhere there would have to be a change in perception for water to be viewed as a renewable resource. So I just wanted to agree with you on that.

Now, the other one I wanted to look at, I don't know since you'll be finalizing your report soon, the question of availability of data, format of data and accessibility of data. If you look at surface water, both under the EPA or in Louisiana or somewhere you'll find that water bodies are looked at in the format of watersheds, and if you are somewhere all you need is to go to the EPA web pages somewhere, search your watershed, you'll have a reference number of where your watershed is. Now, were you to go to DEQ or to EPA and want to know what is water quality in your watershed, or you want to go to USGS and want to know what's the flow of water in your water body, you'll be able to access it.

The problem with groundwater is that even if we have the major districts defined, Sparta, Chicot, and so on, if somebody somewhere in the middle of nowhere wants to know what is the status of groundwater here, what is the major aquifer, how much are we pumping out, what's the depletion rate, what's the water quality, we do not have a way. It's like you would have to go to DEQ and find out data about water quality, and you would have to be very familiar with how DEQ operates to be able to know which web page to go at to be able to reach at what data you want to reach. If you want to know the pumping rates, I imagine you might want to go to DOTD or you'll have to go to DNR.

So somewhere along the line we'll have to define standards, even if we don't define them right now, but define where we're heading to in terms of the public being able to reach data that is pertinent to their area. But I'm seeing that also privacy has to be maintained. We don't want everybody getting data on every well, but if you just want to know your region or your aquifer I think it's very important to be heading in that direction where we define certain standards for accessibility of data.

MR. HAMILTON:

I agree with you, thank you. We haven't mentioned it yet, but part of the reason for the permitting and the potential conditions on it is, we don't have a good system right now of knowing exactly how these aquifers work. We have -- USGS has looked at it, there's been a lot of monitoring, there's been a lot of testing, but it's our feel that we don't have enough wells located around the state, and especially in the critical areas or the ones

that appear to be critical right now, they're distressed right now, we don't have enough wells in place and are not collecting enough data to totally and exactly define what's going on in those areas.

We envision the state somewhere along the line spending some -- authorizing some dollars to go out and establish, and whether it's in conjunction with USGS or not, establish a series of wells across the state of such a density that we get a feel for what's going on in these aquifers. That is part of the reasons that we might want to on every permit that we issue have a condition that you're telling us how much you're pumping every year, and that you should send in a yearly sample or a semiannual sample of water, and we'll come out, you allow us to come out and test it. In other words, it's no obligation on your part, but by accepting this permit, you're granting us the ability to go out and test your well on a yearly basis or whatever we determine. We will examine it for water quality, we will examine it for contaminants, we will determine what the hydraulic head is at that point in time.

If we can attach these types of conditions to all the wells that go in across the state, after a period of time we're going to build up a body of knowledge, and that's what the intent is right now. We don't feel there's enough specific information on enough wells out there that everybody feels comfortable to know exactly the mechanism of the aquifers right now, and that leads right to your thing. Data needs to be collected, more data needs to be collected, and once that is, we need to put in place some place to be able to access it and let the public access it conveniently and easily.

COMMISSIONER LOWE:

I want to follow-up on both Bo and Richard. One of the things that has gotten me kind of puzzled and a little bit concerned is over-the-board use of permitting or basic use of permitting as a management tool. If we look at permitting as a basis for data collection, in a simplified manner, we can do that in a registration process. But my idea of permitting is using that as an enforcement agent. For instance, if I have a critical area it also ties into the incentive program in a very indirect way. So if we have a critical area, we want to have some means of enforcement.

The primary way now for any licensing or any industrial use is through the permitting process. That's the hammer. If you want to do -- if you want to have a well, you want to have a plant, you've got to have a permit, and if you don't have that permit you don't have a plant. It's in that permit process where we exercise the control and the surveillance, and as part of that permitting we have a lot of latitude of being able to go on a case-by-case basis.

What my concern is that if we use the permitting process across the board anywhere but critical area, I think -- I'm thinking is we need to apply a permitting process to critical area only, a more open or a more detailed registration process statewide on it. And one of

my main concerns that we have to follow up, that we have different conditions in different aquifers and we have different conditions within the same aquifer. So that means that we don't necessarily -- to achieve a process of ultimately managing and restoration of aquifers or preventing aquifers from becoming critical, we have several alternatives, and one of the major alternatives in my experience that I've seen is incentive.

So if you have something that is basically akin to what Charlie was talking about, a temporal time related thing, if the solution to the problem is long term, incentives seem to be really the way to go because obviously if we can get somebody to voluntarily do, you're much farther ahead. If we are looking at something that needs immediate attention we need to have some basic mechanism that will serve as the primary control.

Now, the other thing I was looking at here that hasn't been mentioned is -- I might back up a little bit. It seems to me that if we go across the board for permitting we are interfering with that incentive, or we could interfere with it, because how would you -- what incentive would you have to doing something different if you are required by permit. That means we have to go out and force people to do what we want to do, and I don't think that is what you were indicating. You wanted something that would give a mechanism for keeping track and for controlling up front what goes in in terms of general construction. We already have something similar to that in our registration from the DOTD, and we have a lot of the same stuff already structured there without permitting. All we really have to do in my opinion is increase the registration requirements without permitting, and as we do have here we have a registration that is doable and I have to understand that.

The other question I have along with that, to try to pull this together is, it seems to me that we need to be looking -- are we looking at a well by well, or are we looking at potentially well fields for permitting? I think that, for instance, if we had a company, let's say, for instance, in the Smurfitt-Stone or other areas where they got 12 wells, 12 or 14 wells, if they want to add one more well to that, I don't see that as being a huge issue, but if they want to come in and put 12 wells in, such as maybe what got this all started, with the idea of people coming in and just peppering our aquifers with wells so that they could support a particular industry, then in that particular case they would have maybe three or four wells that would be permitted. My question is, should we apply this strictly to a well or should we do it to a well or well fields?

And the last thing is that I think that there is some need to be able to, either by legislation or somewhere, to tie the permitting process for water well with the industrial process. Say, for instance, like DEQ. If we go back to Duke Power Company, they come in and make an application, DEQ is the one that issues the permit. But if water wells are involved in it, and that particular issue should be part of whether it is even

permitted or not, then if it's tied to it and said, well, if you've got a project here and it calls for wells for your cooling water, and the wells are in a critical area, we have to consider that in the overall -- it's a different permitting process.

MR. HAMILTON:

I agree with you. Let me answer a couple of these, and some of the other guys might want to jump in. Maybe our view of what is involved in permitting is a little bit different than maybe your view. By definition in my mind when I say somebody has to have a permit, then I have the ability to withhold that permit for whatever reason. If you have to have a permit to do something and the agency says I'm not going to grant that permit, you have the hammer, and that's how we intend to be able to either deny or say, okay, you can drill here but you can't produce a million gallons a day, you're going to have to produce 500,000. And you might have to be able to produce 500,000 now, but in three years you might only be able to produce 200,000 and you're going to have to either tailor your operations to get by with that or switch to an alternative source.

So by permitting you have a tremendous hammer and maybe we haven't made that obvious, but that is our definition of a permit. The biggest thing you can do is say, no, you can't permit it. But the second things you can do are put conditions on the permit. You can put time conditions on, you can put capacity conditions on them, you can put all kind of conditions on them. So that's how we are viewing the permitting process.

And to answer your question about individual wells or well fields, obviously we need to consider well fields, and that is the purpose of the regional staff becoming familiar with their region and their aquifers only, and that's the reason that the permits have to be -- they have to be -- the staff has a permit -- I mean, the regional staff has a permitting -- not a permitting, a commenting portion of any kind of a permit that's issued. They are involved in what's going on in their region and on a local basis on the aquifers, and they are the ones that are going to be able to say, hey, we're getting high-density here, we need to start issuing some conditions on these wells, we need to institute, and it comes down to the regional districts, you guys are going to have to start instituting either a public education program, a conservation program, but that's where we envision the staff to handle these kinds of things.

And I apologize, what was your third point? It was right at the end.

COMMISSIONER LOWE:

It was the tying of the permitting process to the overall industrial permitting process.

MR. HAMILTON:

Yes, we would hope that when legislation is passed -- now, we haven't mentioned that we do not intend to move some of the DEQ programs out. The programs in DEQ that have to do with contamination of ground water, their SWAP program, surface water accessibility, their wellhead

protection and those things, those have to do with protection of groundwater, surface water contamination getting down to groundwater, and we see no reason to change that, but what we would help in the legislation is that when an application is made to DEQ to build a big facility, that part of that application has to include a definition of how they're going to handle and where they're going to get their water, and that the Louisiana water commission would have a division that would have commenting authority.

And by commenting authority it means that you are notified immediately when an application comes in from these people, by routine it's routed to you and you have the ability to comment back and say, I object to you giving this permit unless -- so at the time that that is taking place we would hope there would be an exchange between agencies. It's done.

And, again, what we're talking about in patterning these things after oil and gas, when a permit to drill is applied for with the Department of Natural Resources, the U.S. Fish and Wildlife, the Louisiana Wildlife and Fisheries, the Ag department, all of these agencies are notified of a well and they have commenting authority. That doesn't mean that they can stop it necessarily; Coastal Zone has commenting authority, it doesn't mean that they can necessarily stop the permit, it means that the agencies that are receiving the permit need to listen to these guys, and then they have to make the decision. Okay. And legislatively it can be put up any way that is deemed appropriate. I hope I answered that.

MR. SONNIER:

And I would add, going back to Commissioner Bolourchi's comments, we're not envisioning that you just send us notice you're going to be drilling a well that's less than 50,000 gallons a day, you will have to provide us with all the information that you're talking about in the registration so that an effective review can be made by staff that you're not fudging the numbers saying that this thing really should be an individual permit situation, but you're trying to say you're going to -- you should be under a general rule.

The permitting process part of it is to not only get that registration information, but deliver back if we have a general rule, they're standard requirements for general rule, because you're not producing at a capacity that generally will create problem conditions below a certain threshold. We send back, these are the requirements that you'll have, just as a matter of general rule. It's where you have critical water areas that are possible because of the size of the well or such as similar to the Sparta application where you suspect there are critical conditions just at current levels. That's when things go to a hearing, and that's when really a permit that comes out of that hearing process is really more of an order. It's a permit setting out specific conditions because of the specific findings that were made to alleviate the conditions that we're seeing. So the individual permitting situation is to give a mechanism to

be able to address the specifics of each aquifer setting that we have and what is the problems there, what can be done, not only controls but the conservation measures, and incentives and things that the applicant may be willing to do to alleviate the problems. It's really to give -- streamline one part of the process, wells below a certain threshold can be general application, just as long as you're square with giving us all the information that we can review, say, okay, you are a general permit situation as opposed to the individual permit situation. It's going to require some specific fact-finding to address all of the differences that we're going to see from setting to setting.

MR. HAMILTON:

But, Bo, your point is well taken that we need to close the loop and go back out and say, okay, even on a well by exception, permit by exception, somewhere along the line we need to go in and in order to do what we're supposed to do as an agency we need to go in with a GPS and say, okay, that well is in place, or, hey, they decided not to drill it and didn't notify us. We need to close the loop on all the wells, all the permits that are issued and verify that the things that were in the permit are what were in their application. And I know y'all are doing that now, and that's what we intend to do.

COMMISSIONER GAUTREAUX:

Let me ask on this side, are there any comments or questions?

COMMISSIONER BAHR:

Bo, I was surprised you didn't comment on the fact that DOTD is not recommended to be a part of the commission. Is that a --

COMMISSIONER BOLOURCHI:

Well, I guess our consultants, in their infinite wisdom, that's how they see it and we'll leave it at that.

MR. DARLING:

It's our expectation that those functions that DOTD staff et al would move over into Conservation. So the reason DOTD doesn't show up there is that the water resources of DOTD is de facto, already there in the commission itself. Richard, can I make one comment about one of your concerns, and that is about the representation on the commission.

I've been looking at that and thinking that perhaps additional seats can be set aside for representatives of the affected areas when these applications come through so that you do have then the local representation that you're talking about, so that you have the permanent members of the committee, of the commission and floating seats that are seats that are reserved for representatives of the areas from which the application comes.

COMMISSIONER DURRETT:

I think that would be helpful if you had one from the aquifer that was affected.

MR. HAMILTON:

Would you envision that on just a well permit or

just a permit in a critical area.
COMMISSIONER DURRETT:
Well, I'm back to my same point, why do you permit when you don't have a critical area.
COMMISSIONER GAUTREAUX:
That's what I was about to say, I think if we're going to have regional representation, I mean, I think the whole point of what you've been recommending earlier today was sometimes we have issues that are specific to that area but not with the whole area as the critical one, so I would think you would want the representation on issues that impact that area.
MR. HAMILTON:
First of all, every permit that comes in is not going to go to that commission. The permits are going to handled on a de facto basis in the water division by the regional staff and everything else. So the only thing that we intend to see go to the commission is critical area applications, okay, and maybe something that would be of a high enough level of water usage that even though it's not in a critical area it would maybe benefit from having that commission take a look at it. They're a policymaking body, they're the ones that set the policy, the management strategies. The water resources division is responsible for implementing and carrying out those strategies on a statewide basis with the ability to modify them or bend them on a regional basis based on aquifer and conditions. We don't envision the commission being a lot involved, any involved at all in the daily application and granting of permits. They're kind of a Supreme Court, if you will. They're the ones that say, here is what we want you to do, and would you collect this data for us, and then they sit back and do what they need to do. But I do like the idea of, if we get into situations I do like the idea of a regional representative on that.
COMMISSIONER DURRETT:
Like the situation we had was very critical, talking about the Duke situation. If you have a permit like that, I think you'd need certain local representation.
MR. HAMILTON:
You would hope that the water resources division staff and its administrator would recognize the need to get higher level authority involved and get some opinions because it becomes such a major issue.
COMMISSIONER DURRETT:
But if you have representation from that aquifer, you're able to plead your case a little better.
MR. HAMILTON:
If it's elevated to the commission, yes, sir. But you should be able to have representation from your aquifer on anything that comes up through the regional staff. They are charged with not just being a geologist here. They have to report and carry forward any kind of comments or anything by the districts, the regional districts.
COMMISSIONER GAUTREAUX:
Mike has been waiting to be recognized for a

while, so go ahead, Mike.
COMMISSIONER TAYLOR:
Thanks. First I would suggest that maybe we haven't heard the last about DED's representation on the commission, but we'll talk about that some other time.
My concern about the permitting versus registration, do you know the difference or can you tell us the difference in cost and in time delay between this permitting system and our registration system, what are we imposing on our companies and on our individual well owners as a result of painting the whole state with the same brush?
MR. HAMILTON:
Right now I don't have the cost figures finished, but they will be part of the final report, and the time delays, estimated time delays.
COMMISSIONER GAUTREAUX:
I think both Richard and Bo, I'm not sure who asked first.
COMMISSIONER DURRETT:
Another comment you made, and I forgot who made it awhile ago, about there are not enough wells in the aquifers to determine how the aquifers are reacting, or do you get the information -- and I'm sure you have seen our study, the Sparta, but I'm sure you have seen the number of wells and the information that we had, I'm sure you have seen the model that we did. Is that for all aquifers you're saying that?
MR. HAMILTON:
Yes, generally, across the state, across the state. What you would really like to see is, we know we've got saltwater encroachment happening in several aquifers. Wouldn't it be nice to go out there and have the funds right now to drill some monitoring wells so that in the next six to 18 months or a quarterly basis, right there where it's happening we can track and say we know it's happening at this rate. Right now we don't know -- we have some implied numbers, and I'm not saying they're bad, I'm just saying it would be nicer to be able to tie it down tighter.
COMMISSIONER DURRETT:
Well, we have some information from USGS on the Sparta as far as saltwater encroachment; right, Charlie? Are you saying that that's implied or that's --
MR. HAMILTON:
No, no, it's actual data; those are actual wells. I'm just trying to increase on a statewide basis -- part of what we're trying to do is build up a body of knowledge that will help the state move forward from now until, you know, so in 15 years or 10 years we can say, okay, this is easy to determine, this is easy to model because we've got all this data. Right now I know USGS, LGS, they're taking oil and gas well logs and trying to interpret some of the log data and use that data, and a lot of times the wells don't log anything less than 2000 or 3000' because they are interested down at 14 or 15,000. So there may be a well there, there may be some data, but I've seen them over there interpreting data, and it's just because in the

past we haven't collected data that we need, and we need to start somewhere, and that's what we are recommending.
COMMISSIONER BOLOURCHI:
Brad, do you know why some of those data that you're talking about has not been collected?
MR. HAMILTON:
I'm sure it's funding, I would assume.
COMMISSIONER BOLOURCHI:
Absolutely, it's funding. It's a matter of how much money the state has to spend on certain things.
MR. HAMILTON:
Absolutely. And traditionally, Bo, water resource funding of the type that we're talking about is the last thing a state appropriates. It's not just -- it's not only tied to Louisiana, it's tied to everywhere. And you'll see some of that in the report that every state in the world, in the union had to by law under EPA and Clean Water Act had to set up a source water assessment program. They had to set up a wellhead production program. They had to set up these, you know, the stuff that they're doing at DHH, but they didn't have to do anything that had anything to do with aquifer sustainability. And that's the last thing that anybody funds. And finally across the United States people are realizing this is a very important issue, and some of the states are funding it, some of them haven't, some of them are making an effort to get started, and we want to bring that to the forefront in Louisiana and let them know that this is important.
COMMISSIONER BOLOURCHI:
Just for your information, there are plenty of wells throughout the state you can sample water in any region and area, it's just a matter of economics. Number two, Louisiana has a lot of water, and in the past how much water one took and what exactly the quality of each well was wasn't the issue. The data was collected on availability, not necessarily quality, not for permitting process. So we are in another era, and that has to be addressed.
MR. HAMILTON:
Has to be addressed, that's correct.
COMMISSIONER BOLOURCHI:
A couple of questions just for clarity. Are you all proposing that every well be permitted, and if that is the case then, of course, the existing authority that the Legislature gave the Commission or Commissioner does not allow that, it just refers specifically to critical groundwater areas, and it specifically exempts domestic wells. Are you all recommending additional legislative action to get that authority, or I misunderstood you?
MR. HAMILTON:
I -- unless Bruce corrects me, I am saying that, yes, we are recommending that every well that's going to be drilled in the future now, not the past wells, but every well that's going to be drilled be permitted. But one of the rules, one of the permits by exception would be the domestic wells. It's still going to be permitted. All you're doing, in effect, is saying, I'm going to drill this well here, it's a domestic well, and you send in this

form that we get information we need and 24 hours later you go drill it.

That's what the rule by exception is. It streamlines it, it says, hey, no problem, just notify us. In that case it's simply a registration, but it carries the effect of a permit because it fits in the whole scheme of things. That was the purpose of that permit by exception. But yes, we are envisioning every well to have to have some type permit; either an exception permit, a general permit or an individual permit.

COMMISSIONER GAUTREAUX:

I think some of our neighboring southeastern states, could you comment a bit? I think which one right now? I'm trying to remember the little summaries.

MR. DARLING:

Mississippi permits wells, and the permits in Mississippi are issued for a certain period of time, and those permits are also conditioned. Now, domestic wells receive a permit I guess by exception. All wells with -- that have the capacity to produce 50,000 gallons or more per day have got to be permitted in Mississippi. The conditions are far more strenuous in the state of Florida where consumptive use permits are issued. Domestic wells are exempt, although you are still required to register those wells.

I'm not sure what's going on in the state of Alabama right now. I know that there's a permitting process. I need to talk with the people over there again about this, but Alabama is in the process of -- their whole process is evolving somewhat. But I can tell you definitively that Mississippi does permit wells. Those permits are conditioned, as we're proposing over here. The state of Florida does permit wells in a far more strenuous way -- which we are not recommending -- the consumptive use permits. In the state of Texas it's a mixed bag, it depends on where you are in the state of Texas, whether you fall within one of the underground water conservation districts or not.

The state of Arkansas has a permit type system, but the state of Arkansas has not to this date attempted to enforce much through their permitting process. State of Arkansas has embarked on an incentives type program which I'm beginning to think it has actually been quite successful and which we're taking a much closer look at here, in conjunction with part II of our water plan.

Permitting is not at all uncommon in the United States for water wells. The effectiveness of the program depends upon how the permits are written and what the conditions are. We understand that in a state like Louisiana where permits have not previously been issued that it's a controversial matter. For us the permitting -- from our prospective the permitting process is a way to set the conditions that will require us to collect the data over time that will make for more effective management of the aquifer systems in Louisiana.

MR. HAMILTON:

Plus, it's the hammer that Dean was talking about, it's the ability to deny a permit or set conditions and

say you can only produce so much, and that's key to what we're trying to do. We need to have a tool that says you can or cannot do it, and just by registration that won't -- we don't feel like that's got enough power to it.

MR. DARLING:

That really only apply in your critical areas. I really don't think that you would be able to deny someone a permit to produce water in an area which has not been established as critical.

COMMISSIONER GAUTREAUX:

Steve had a comment after this, but say, I mean, in terms of having flexibility, management flexibility, what if you had someone that came into an area that proposed to out pump the ten smaller pumps around it, but it's not -- technically that area is not critical perhaps at that level, if you're going to use the aquifer sustainability definitions, but could you say, as Brent mentioned earlier, you're going beyond your rights in this area, therefore we'll give you the permit but you have to pump within these so you don't dry your ten neighbors out. To me it's not just an aquifer sustainability issue. I mean, it's that particular little portion, but it might not fit the overall critical area designation of an aquifer, but you do have a mechanism to address that issue.

MR. HAMILTON:

That's correct, and that goes to Dean's comment that the staff geologists have to look at it on a well field or a somewhat semi-regional basis. They can't just say, well, this well is okay because it's below a threshold or it's not going to hurt. They have to know what's going on in their district and in the immediate region.

COMMISSIONER CHUSTZ:

I guess really that was where I was going to go was I think in the report you told Mike you were going to give us some of the costs and what the delays were. I think we also need to see the benefits of what permitting in a non-critical area would do, what we will get for those delays that may occur and what we really see. So I think we've discussed it a lot today. If we can just include that in the report so the Commission can see, you know, here are the delays, what really do we get from this process and what does it do for us. So if you could do that I think it would help us a lot.

COMMISSIONER GAUTREAUX:

Any other comments or questions? John?

COMMISSIONER ROUSSEL:

Bring up one of my old subjects. All of the discussion today has been in the context of groundwater, but in the real world when we talk about regulating groundwater usage you can't get away from surface water. In the management entity structure that you propose here, are these in the context of ground water are does this include surface water? Are you going to set up a commission that's going to regulate surface water? Is this going to be the composition, and is surface water management going to fall under the Department of Natural

Resources?
MR. DARLING:
Well, right now, of course, the concern is ground water. As I look at this I think long term Louisiana has to consider that this is water resources in general, not just ground water or surface water. You can't manage ground water independently considering surface water. They're part of the same system, they interact in different ways. And so when you look at this diagram up here, I think thinking longer term, as Louisiana continues to address water resource issues, you will have to look at the management of surface water resources as something that will perhaps be factored in to what this Commission does and to what this division of water resources is involved with.

But this is a diagram representing what we think the structure of this Commission would be right now based upon the charge to address the issues related to groundwater management and critical areas in Louisiana's aquifers.

MR. HAMILTON:
But please note that that's not called a groundwater resources division, it's called a water resources division because we are cognizant of the fact that they have to be managed together. So no where on there does it say surface or ground, and if it does it's my mistake last night when I --

COMMISSIONER GAUTREAUX:
Is Wildlife and Fisheries on there? I can't really read it anymore. I thought they were.

MR. HAMILTON:
Yes.

COMMISSIONER GAUTREAUX:
Go ahead, John.

COMMISSIONER ROUSSEL:
Wildlife and Fisheries is, but there are a lot of surface water issues that I think may be left off. One that comes to mind is the navigation interest, which is clearly a big interest in surface water management. DOTD I guess that falls under their jurisdiction. There is also flood control and drainage issues that are impacted, and so -- and it's a big elephant. I'm not going to deny it's not a big elephant, but when we get to -- and my concern is when we get to actually regulating groundwater usage you can't get away from surface water. As soon as you make that step, because we hear time and time again, convert to surface water, convert to surface water.

MR. HAMILTON:
You're preaching to the choir here.

COMMISSIONER GAUTREAUX:
Right. And we're trying to get a $14 billion authorization for coastal restoration and we're going to have to be very cognizant of how much water -- you know, we have to incorporate that surface water management as well. Linda, you had a comment.

COMMISSIONER ZAUNBRECHER:
I have some concerns about using regulatory or regulating and management in the same context. And there

are those of us who would like to see a management process versus a regulatory process. And so just know that there are still those of us who are concerned about regulating surface water.

MR. DARLING:

Well, frankly, I'm concerned about over regulation, too. I mean, I tend to fall more on the libertarian side of things, which might sound strange to some of you here. But I don't think regulation is something here that is going to be the principal role. You're not going to find heavy-handed regulation in here. What I hope comes out of this is sensibly applied regulatory matters, or regulations applied in a sensible manner, not a heavy-handed manner. I can walk you through state after state and give you examples of states that I think have overly heavy-handed approaches to the regulation of water resources, and I'll start with the state of Florida. I don't like the state of Florida's approach to water resources management.

On the other hand, Louisiana has had absolutely no approach to water resource management. You have chaos in this state. You have the potential for chaos in this state. Louisiana has to find out where it wants to be on that curve, and I think that what Louisiana needs to do is look at a range of water management issues, incentives, for example, or various other approaches to water management, and use those as a primary means of making sure that Louisiana has enough water resources available for current needs and the needs to promote economic development in the future.

You apply regulations where it becomes necessary to do so, not on a daily basis. When you do that it becomes excessive and you lose public support for this. I think by taking a more common sense approach to this, by promoting management over regulation on a daily basis, then you do get public support for it and you don't run industry out of your state or you don't keep industry from coming into your state. Louisiana has got to understand that other states in the south here are looking at water resources as a means of attracting economic development into the state. That's a fundamental role of the water planning program in Texas, in Arkansas and in Mississippi. Louisiana sits out here without any of these things in place, and it's finding itself and will find itself long term at a disadvantage with those states that have taken proactive approaches to water resource management, applying regulations where necessary in order to be able to ensure that it has water resources necessary to attract industries into the state where we need to have economic development.

COMMISSIONER GAUTREAUX:

Bruce, Mike just said you made his point. Thank you very much for DED being on the board. Bill?

COMMISSIONER CEFALU:

I just have one comment. I think this commission was organized and formed because we have problems with the ground water in certain areas of the state, and I think this draft that you've given us so far I think y'all have

done a great job. I really think y'all have addressed all the -- you've went back and found all the information you could find, and I think that was something that -- we had a lot of information in the state, but it wasn't organized enough in one area, and that has been done.

We found the problems that we -- we know where the problems are now, which I think the majority of the water being pumped out of the ground that's causing the problems is industry and not domestic. I think we need to address those problems. I do believe that what you have put up here is good. We have a lot of that in place in different departments of the state now.

My concern is that I don't want to see an additional cost to government. If we can't get everybody in the same room that needs to be part of this club, so to speak, shame on us, but I also don't want to see any additional expense to the people. And as you said, collecting information is important, and I think we're paying, we're paying for that now. We don't want to have to -- I don't know how it's done with ground water, but to put a monitor on everyone's well, to meter everyone's well, as much as that would be nice to do, even to go back to every well that's been drilled and put a meter on it, that's an expense. Who's going to carry that burden of expense?

I've been in the business where to try and collect certain date in water systems, and you have to pay for it yourself. The public is not going to pay for that. So if those are the things we need to have to ensure we don't have any more emergencies as far as loss of groundwater or areas that are being deteriorated, we may have to do that through state, but I wouldn't want to see that burden put on the people.

Back to my original comment, if we can just solve the problem of industry and get them off the ground water, would that help solve the groundwater problem today, and would all these other things really be necessary if you're going to try and take the burden off of ground water and put it on the surface water. If we take 70 percent of the users and move them from ground to surface, does that solve the groundwater problem and do we need to have all this other stuff done.

MR. DARLING:

Conservation can help a great deal. That's not necessarily just moving a user from ground water to surface water. But changing the ways that stakeholders use water, and by stakeholders I don't just mean industry, I also mean agriculture, for example, and municipalities, you can conserve a great deal more ground water than perhaps you thought about. I've looked at conservation programs in other states, and the conservation programs we figured have been quite successful. The state of Texas figures that they've saved 1.6 million acre-feet of ground water just last year; 40 percent of which was from -- 60 percent of which was from agriculture and the rest was primarily from municipalities and from industry.

So you're looking at -- to answer your question, it's a mix of managing water resources on an individual

level, finding out which conservation programs or strategies or incentives make more sense for different stakeholder groups, encouraging them to use those methods, encouraging the state to look at other types of incentives, such as tax incentive -- maybe a tax incentive program such as the problems we found in Arkansas, or perhaps even employing other more direct or indirect economic approaches to controlling consumption, or managing consumption, let's say. In cities -- for example, there are many cities in Louisiana where people just pay a flat rate for water. There's no incentive in that case to conserve. If people paid for what water is worth they'd use a lot less of it, they'd use it more efficiently. That's applying economics as a tool, but we find that many municipalities are for one reason or another reluctant to apply an inverted pyramid type pricing scheme to manage water resources, to make sure that we are not stressing your systems.

I think in the long run it's a combination of both the incentives we're talking about, public education, and also we need to have some type of sensible regulation in Louisiana where you need to have it. Critical areas -- I can't guarantee that critical areas won't develop if you do all these other things, if you have the effective public education programs, you have conservation programs, I can't guarantee that they won't, but when they do evolve, you do need some type of approach, you do need some regulatory apparatus to make sure that you can control that when you see it evolving, or prevent them from getting to the point where they do become critical.

COMMISSIONER CEFALU:

I want to say again, I think you did a great job with your approach, it's just I don't know whether the state can afford the approach. I hope they could. And I understand your concern for all the different aspects of water conservation, and, yes, people don't like to hear it, but we need to take the water that's discharged from sewage treatment and send it right back to water plants, because it's probably better than what they're taking out of the river, but it's kind of hard to sell that.

The thing about it is this, Louisiana drains two-thirds of the United States, we don't have a shortage of water. But, yes, we should start somewhere in trying to be realistic in regulating and being efficient with the water. I think Louisiana has been first in a lot of things as far as doing things we didn't need to do just to show the rest of the country we care. My concerns, again, that we don't put an over burden on the people cost-wise, something that's unnecessary, if there is some way we can get that documentation without putting a burden on the domestic user.

When it comes to municipalities, and I've been part of one, the farmers, and 50 percent of where I live is farmers and people of that nature, I think that water conservation needs to be part of their lives, but I do -- I'm trying to set a difference between ground water and surface water. We have tons of surface water. And the major problem in these aquifers is industry. Y'all showed

in all your maps that 78 percent of the problem is industry, something that can be converted to surface water usage which would take that burden off of those aquifers. And the big picture I'm trying to paint is that if we did that, then maybe we wouldn't be nitpicking on this permit, maybe we could have something, like just a registration thing that would give us all that information we need, and maybe we could do statistical analysis without having to put a meter on every well and things of that nature.

My point is we had a problem; I've yet to see the solution to the problem, and I don't think permitting is the solution. I think the solution is to get the industry off of ground water. So my point is, although your presentation is precise and complete and doesn't miss the needle in the haystack, even, I want to solve the problem and let's see where we have to go with this after the problem. That's my point.

MR. HAMILTON:

We have no intention of putting meters on everybody's well. When we said that domestic wells are permit by exception, they're going to be permitted. There's no conditions on it. It doesn't do us any good to go out and monitor that. What it does do is -- and every individual permit that comes through, and if the staff determines we have three -- we have three wells right there, we don't need to monitor this, that's where commonsense comes in and your regional staff familiar with their area comes in. And we say, oh, look, we've got a 50-square-mile area right here that we have, they're putting a well in, we've got five other wells but they're all grandfathered in, we don't know -- they're all domestic wells, this guy is draining a rice field well, let's ask him if we can come in once a quarter, once a year and monitor his well. Okay. The burden is not on the public, the burden is not on the domestic people, the burden is on the state, and I understand your problem with how much is it going to cost the state. But nothing is free and if we don't start collecting data we can't, but no where are we saying anything at all about putting any kind of a meter on everybody's well or permitting -- putting conditions of domestic wells or anything like that.

COMMISSIONER CEFALU:

How do you get the information without putting a meter, the flow information without putting a meter on?

MR. HAMILTON:

Maybe we don't need flow information in some places, maybe we just need water quality. Domestic users, flow information is totally useless.

COMMISSIONER CEFALU:

But we were talking about depletion of wells. To deplete underground usage you have to know what you're using, and that's the recovery rate, it's something that can be measured from another point of view.

MR. HAMILTON:

That's for the large volume users. A domestic well is not going to deplete an aquifer.

COMMISSIONER CEFALU:

I understand.

MR. HAMILTON:

Well, then why would we meter that?

COMMISSIONER CEFALU:

My point is is that if you have a way of saying an underground aquifer is being depleted without measuring any individual wells that's fine, but if you don't, if you know what a certain volume of usage can be and you want to monitor the larger users that's fine. My question was if your larger users are public. I understand what you said about domestic, and I'm not really -- I am concerned about the people and what they pay, but my point is, if we get the large users off of the ground water and we can put them on surface water, which should solve a big part of the problem that started all of this; although I say, and I'll say it again, your presentation is great, precise and to the tee, but we may not need a Cadillac if we can get by with a Chevrolet or a Ford.

MR. SONNIER:

On the permitting process, too, I think Mr. Boudreaux is familiar with a couple of things we do on the oil and gas side such as commingling permits. If I can get an administrative permit all that comes back to me is a single letter saying I'm approved, and that's what we envision for general permits. If you meet the requirements for the general rule permit, we review it, you go, it looks like a general rule permit, a letter comes back that says you're permitted.

And I don't foresee what Bruce mentioned is every year you come back to us. As long as you're maintaining that use and nobody raises an issue about you're in a critical groundwater area, and you're using below a certain threshold of water, we presume that it's not going to cause the problem under normal environmental conditions and all that, there's your letter, you're permitted. It's only the big use stuff that if someone raises a contest and says, I think that well poses a problem to cause a critical groundwater area, or you've already determined the critical groundwater area.

COMMISSIONER CEFALU:

That's going to happen with any competitor that comes along. Let me tell you something, I've been dealing with permits, and I really think our departments we have in the state are doing as good a job as they can with the situation involved. But one of the biggest problems Louisiana has today in keeping business and getting them to come here is the permitting process. We have people leaving every day because they can go to Texas and in six weeks get a permit that DEQ can't give them for two years because DEQ is doing such a good job. I don't want this proposal you put together to do such a good job, so good a job we don't get any businesses here and they all start leaving. Okay. Now, there's a lot of business people out there concerned about that.

I mean, I just think it needs to be in a streamline, and I don't think we need to worry about the concerns. The concern was the depletion of the aquifers, and 70 percent of the people in the aquifers are

businesses that can be converted to ground water. Let's convert them to ground water and go home. This is good, but, you know, it's intricate.

COMMISSIONER GAUTREAUX:

I think we do have to find the meeting between conserving our water resources and managing them in a way where we can attract business in the future without making it, as we've noted before, an onerous process that doesn't make sense and contribute to what we're trying to do, and certainly moving people off, but in some places we have to look whether it's not an alternative to bring them off. So I think the point is we need a system that makes sense.

COMMISSIONER TAYLOR:

I haven't heard any comments today that indicate a permitting system in a critical area doesn't meet our need, but I'm hearing a lot that indicates maybe permitting in an area that hasn't been designated critical is not appropriate. Are you guys going to go back and look at that suggestion from this body that hasn't been made, I guess, explicitly enough?

COMMISSIONER GAUTREAUX:

Let me clarify that because what I'm hearing is, I mean, from my personal standpoint I understand the ability to -- in an area that's not yet critical to be able to manage so it doesn't get there, and it might be just a simple permit condition that allows that. So are you saying you understand this body is saying if it's not critical we don't need permits? Because I would have to disagree with that particular --

COMMISSIONER TAYLOR:

We should probably talk about it, because that's what I've heard from several members today.

COMMISSIONER GAUTREAUX:

Okay, well, I'd like some more input, because that's --

COMMISSIONER BAHR:

I mean, a lot of us haven't said anything, and I'm kind of liking the way this is being presented because I'm somebody who believes that part of the problem that Louisiana is suffering is because we have been pretty lax on knowing what we've got and how valuable it is, and I think industry would be more likely to come here if they knew we had a good management system that worked, it was effective, that's not onerous, but that we know what the situation is. And so I'm not afraid of what I've heard from the consultants in terms of the permitting process. I think it's got to be carefully done. But I'm all for collecting information, and as cost effective as it can be. I think we would be way ahead as to where I think the folks at DOTD have been struggling to do a lot without much resources. And this is -- I think we can move into a new day here that is good for everyone.

MR. HAMILTON:

If I may, Karen, our charter is to come up with some solutions, potential solutions, some ideas. What we present and what we call our plan or our assistance in developing this plan obviously is not law and it's not

binding on anybody in the commission. We want to present different opinions, and we want to let y'all make the decision. Now, if that would have passed and you said, we want you to go back and look at permitting in a -- non-permitting in a non-critical area, we would look at it, but that would not change our recommendation. We don't want to be swayed by what you want us to do. We want to tell you what we think you ought to do. You've had the discussions, you've heard our side of it and y'all should make that decision. So that's where we are now.

And I'm not trying to be obtrusive here or objectionable, but we are going to give you what we think you ought to do, and if you have some -- an area that you would like us to look at in addition that we haven't covered, by gosh let's mention them, but we're going to give you what we think is best for the state.

MR. SONNIER:

There's a problem, too, as far as the perception that this thing could drag out for people under the individual permit process. We already have in place a 60-day registration period required. Also, if you go into a hearing situation just right off the bat, I mean, you go right to application, you run the risk that whoever wants to contest this thing is going to run a lawsuit at you; whereas, if you had, like, the pre-application setting we're recommending, you get a lot of this resolved without ever going to a fight. And we don't think there's a real substantial delay because we don't see them really in oil and gas right now.

And lastly, there is even a provision under 446 right now where the Commission after even having a hearing is required to go parish to parish and try to get approval for the order. What we're trying to do is say, get the stuff resolved that we can get resolved up front on the individual basis, you have some presumptions back here on the general stuff, but they shouldn't even come up for hearing because we're not dealing with critical water issues. It's only where you go to a hearing, trying to resolve it, trying to get it all done so that in the end analysis you really only have contested issues that cause the process to perhaps drag out, but we don't foresee it going any further than about 60 or 70 days from the time that you file your pre-app notice to the time we grant you a hearing and that order issues.

If the party -- and I'm not recommending that what is in 446 is that the order get shopped around in all the parishes, the decision of the Commission is it. If a party contests it, you go through the appellate process. You go to the district court, First Circuit, on up to the Supreme Court. But the decision is there, and it's been worked out and everyone has had a chance to try to work it out. That's what we're looking at. We don't want to cause undue delay, and we're trying to streamline it.

COMMISSIONER TAYLOR:

Given that the administration of the statewide program of permitting is going to be significantly more expensive than administering a program that's specifically targeted at the critical areas, I think we want to look at

the downside of only treating the critical areas with permitting process, and treating the non critical areas more or less the way we are now.

I heard two different things. Earlier when we were talking about the big permit hammer, we were talking about that gives you the right to go on this property and sample this well, and just a moment ago we heard that you wanted to go ask if you could go sample the well. That's completely different, and it has different implications. So I think you can ask anybody right now if you can sample their well, they can say no. But if they have a permit they can no longer say no. And I'm not suggesting there's a good reason for saying no, but there's a lot involved in this permitting process, not the least of which is the cost of administering that. So I would like to see it, if nobody else would, I'd like to see the downside of only doing that for critical areas.

MR. SONNIER:

But I think the problem we'll get into, though, is how do you identify a critical area. If anyone is just free to run an application any time they want without having a process where you are able to allow staff to review it within a hearing procedure and say, do we really have this situation, because right now we don't have anything that distinguishes classes of wells besides just the registration exemption for the 60 days. We need to establish some presumptions, your domestic wells we're not bothering with that. You register your well by exemption, you have a permit, you are permitted. You may get a single letter back saying, there you go, there's your letter.

The general rule, it would be a letter, I envision a letter with the general rules attached to it, and it depends, you know, what we want to make binding, if we don't want to have mandatory sampling of availability, that's to be decided. It is only the big-ticket individual wells that have formal permitting where specifics are decided because you have determined -- and you have to determine you're in a critical area before you start putting controls on that applicant. If it's not proven that that applicant has the ability to create critical water conditions, they get their application with nothing in it besides drill your well.

It is only where we're going into critical conditions and it's determined by the Commission at hearing, we think you are in a critical area or there's a potential critical area. If we allow you to go on and do this, what are the things you will agree to, what are the things in the way of a pumpage allowable we may have to impose. It is trying to streamline the process and only take the contested issues that come before the Commission to resolve, and then only where it is mandated because you do have as a matter of jurisdiction, you can impose controls.

Otherwise the applicant is simply going to get the right to drill the well and produce if there is no critical area determined. It's not going to be any different from a general permit, it's just that there's a

review process to say at this threshold above 50,000 gallons a day there's probably an issue but someone has to contest it. It either has to be a contestant after notice, that is an interested party comes forward and says, I'm contesting; or staff goes, we think -- on their own, I mean, the Commission will have the authority to say we think even though you didn't get any protest from any interested party we're going to raise the issue.

COMMISSIONER CEFALU:

Is that just on -- you say on the areas that are of concern?

MR. SONNIER:

Areas of concern where you have a large well, then somebody's got to raise an issue. Otherwise, the applicant files his application and he gets his permit.

COMMISSIONER CEFALU:

I don't know if I was taking it -- one thing I think is very important that does happen from now on is we get information, and if that permit -- whether you call it a permit or an application, call it whatever you want, and of course, I wouldn't want it to have anything on it that it forces anybody to do anything, but I want to make sure we get the information. We wouldn't have had to hire y'all if we had that information. So we paid for what information we have now, we need to make sure we keep accumulating information in a database that we can use. But we need information, if it's critical access or a critical aquifer that has a problem that needs to be addressed. I think you're going to get that, too, in your regional groups that you have out there, somebody from the area will address it.

That's another thing, I don't want to have to go into someone else's area. I have surface waters and they're all in my areas and no problems at all, but I'd hate to have to go into somebody's area and have to rule on something that wouldn't have that local flavor to it. We want those local people to be aware of what's going on and let them bring the point -- their point to us. But basically I like information. I think we need to collect all of that we can collect.

COMMISSIONER GAUTREAUX:

Thank you. Dean?

COMMISSIONER LOWE:

One quick question or comment. I understood from Steve's question and the answer that your report will have a cost benefit part of it. Will there also be funding as to how this thing will be funded, how can we pay for this, whatever we arrive at, how is it going to be paid for? Is that going to be part of the report as well?

MR. HAMILTON:

Actually, I don't think there will be any funding unless we -- unless we are directed to do so. I know that we were asked to come up with the cost of programs, but I don't think we were asked to look into funding, and we haven't to date anyway, funding sources. So I think that's more something that maybe the Commission can do, unless we are directed to. I don't think we have -- that's in what we have been asked to do.

COMMISSIONER LOWE:

What I'm kind of pointing to is looking in detail at the Sparta application and our requirements for critical aquifer. One of the things we require is how -- whatever the management plan, how is that going to be financed. And it just seems to me that there is some -- should be some direction, whether it's in detail or not, perhaps indicating to the legislation what funds are available.

MR. HAMILTON:

Again, what you're dealing with here is people that are not familiar with the legislative process and the funds that are available. We can tell you what it's going to cost, but it's going to be the legislators that are going to do the battle of can we afford it, can we not, where can we get this, can we use that, can we borrow funds from here. And let me point out right now, the program that Bo was working and still is working at DOTD, that program has been, as I said earlier, it's been well done and on a shoestring budget. And I'm not saying that can be done everywhere, but with force of management and force of character you can get a lot done for a little bit of money.

Other than the comment, you know, we're not into the sources of available funds, whether it be federal or whether we can get some matching funds. In the surface water contamination area that DEQ and Clean Water Act, there are some matching funds, federal funds that you can use. I'm not so sure that that's ever been addressed federally on a sustainable aquifer sustainable thing. So --

COMMISSIONER BOLOURCHI:

Karen, this morning we talked about ground water, we talked about surface water. What about recycled water? Any recommendations to the Commission?

MR. DARLING:

That is some of the strategies that we're looking at for managing water. That was actually one of the options we looked at in our preference feasibility analysis as one of the options we're trying to explain in one of the chapters for part II. That comes in more of the strategy to manage your consumption of water, to cut down on your consumption of water, just as incentives, for example, various types of incentive programs. But yes, recycling of water, degrees of wastewater, those are all potential strategies that we've looked at. We haven't looked at the cost of these things. Right now we're trying to assess the degree of receptiveness here in Louisiana to these and the extent to which the strategies are perceived as being implementable in the state.

COMMISSIONER BOLOURCHI:

I'm sure that you are aware that in the past year a number of municipalities and parish government have got together with the large users and they have certain agreements to use the groundwater for certain purposes, and they were all excited, something that it was unheard of just two years ago. So I think that's I think part of your mission to include gray water, and I'd like to see

something --
MR. HAMILTON:
Well, certainly we've looked at that, and as part of the preference feasibility analysis I'll tell you, the reuse of gray water has not gotten high marks for preference for our feasibility, but much of that is a function of the familiarity of the respondent with that particular strategy, and that's where a public education program down the road may help as people learn more about the effectiveness of using gray water in the home, for example, or in the businesses. So what we are trying to do is assess the degree to which Louisianians are receptive to the use of gray water, for example, and then to ascertain what needs to be done with regard to a public education program to help people -- to provide people with the information that they need so that they may then look at it differently and become more supportive of these programs, and that includes other strategies as well. We're also looking at the collection of rain water, which many people would not think is very effective in Louisiana, but frankly there's a lot of rain water that can be collected that runs off per square inch.
COMMISSIONER BOLOURCHI:
It's my understanding the City of Baton Rouge, for example, City of Shreveport, they're very much interested. So you might want to make a few phone calls to them to see what they're doing. Thank you.
COMMISSIONER GAUTREAUX:
What I'd like to do, our task force members have been patiently raising eyebrows and flitting hands every now and then, so I'd like to, if there's no objection from our Commissioners, move into some task force questions and comments. Ann, did you want to say something.
MS. PETTIT:
Ann Pettit with League of Women Voters. I'm real concerned about the definition of water as a mineral, because it seems like it would make it really easy to commodify something that is considered a mineral. And I've been following the privatization of Sewer and Water Board in New Orleans, and we are on surface water in New Orleans, but in that process, thank God it lost, but in that process we have learned an awful lot about the value of water worldwide and how it's getting to be quite critical worldwide. And the commodification of water is getting to be an extremely huge issue, not just in the United States but everywhere. And because we have overcapacity in New Orleans, it is a big issue in the discussions that we have had.
But also at the water summit that was in early September held in New Orleans for all the southern states, southeastern states, this issue came up as well, and they've talked about even farmers in Georgia considering selling water rights for commodification because they felt they would get more money out of it than by farming, which is really sad, but it is a reality that could be coming. And I don't know that that's something that we want to have happen.
Commodification of water is a huge issue for world

trade and the treaties that are going on internationally, and we have to be extremely careful about how we designate waters in the state because it is a huge natural resource and value for economic development, and in a different way maybe that we have traditionally thought. We may not necessarily have to bring in huge industry to have economic development, and we just have to look at things in different ways than we have traditionally. And I think it would be good if the Commission could maybe recommend that to the legislature. I presume that they are the ones who would have to change the definition since you said it was statutorily defined as a mineral. That's my comment.

COMMISSIONER GAUTREAUX:

Any other comments?

MS. WALKER:

My name is Linda Walker, and I'm also with the League of Women Voters, and I wanted to comment on probably two things I have been listening and get back to one of the concerns I think that Mr. Durrett had, and that is the makeup or the functions of the Commission. I sit here and just worry and completely that if the permitting process -- if the Commission is involved in the permitting process in any way it will be politicized. And not intentionally, I mean, that's just the way the structure would happen. And I feel like the Commission is going to be of the greatest value doing rule making, policies, and determining -- hearing the evidence and hearing the stuff on determining critical groundwater areas or maybe laying the rules for that, they're going to have their hands full.

The emphasis should be put on the regional groups. That's where the whole permitting input emphasis should be. That should be their bailiwick. They know the conditions, they'll know the local problems, they will know the availability of alternatives, et cetera. I think as much as possible the Commission should be a view statewide, and it should have enough representation for all of the water interests in the state. There's going to have to be some revisiting on that. Obviously, the whole permitting thing needs to be revisited, and a lot of that I think will be resolved with the definition of terms, and the semantics. I think we heard a discussion here and I think semantics are getting that confused.

I also wanted to say on the point of the monitoring in order to gather data, this is something that isn't just -- there was a report, I've got a copy of a report here, it was a report to Congress on the concepts for national assessment of water availability and use that was done by the USGS in 2002, which is this year, and one of the sections it addresses is systematic groundwater leveling monitoring programs. And this is 2002 data they are taking. And Louisiana -- this is based on ground water level observation wells having at least five years of water level record per 1000 square mile. Louisiana has two to five wells per 1000 square miles that have more than five years of data, or at least five years of data. Texas has 16 to 21 wells in that same area, per square area. Just put it in perspective folks. Thank you.

COMMISSIONER GAUTREAUX:

Charlie?

MR. DEMAS:

Let me respond to all the comments on databases and monitoring wells. The data you are referring to has to do with federally funded wells. It does not have to do with the cooperative network, which refers to cost sharing that we have with the state. Right now we probably have close to $700,000 that each -- that the USGS matches with the state for monitoring ground water or water levels, water quality. The groundwater monitoring network data is available on the Internet, you can bring it up just like you can the surface water data. And then with Bo's database that's also available on the Internet.

So it's not quite as hard to get to as you were leading people to believe. That data is there, it is available, including all the water quality data. And we're trying to make it even more user friendly. I won't say that these Internet access bases are without some effort at times, but they are becoming more and more user friendly. So that data is available.

I do agree with you, we need better coverage, but the databases are out there, they are available to everyone, all you have to do is log on.

MR. HAMILTON:

If I gave the impression that it was difficult to get to, I didn't mean to do that. I'm familiar with both of the databases and they are excellently done. And one of the programs that we're going to ask to be brought over from DOTD is that cooperative program with USGS. So maybe in the future it won't be cooperative with USGS and DOTD, maybe it will be -- if this is how it comes out it will be a cooperative program with USGS and DNR, but very valuable program and they're collecting good data. Louisiana has some good things going for them right now. We just want to close some gaps and gather some more data.

COMMISSIONER GAUTREAUX:

Any other comments or questions? Is there someone I can't see? (No response.) Any other comments or questions by our Commissioners? (No response.) Thank you. That was a very good discussion.

Do we have any old business? (No response.) New business?

MR. DUPLECHIN:

The only new business would go along with the next item, the scheduling of the next meetings and what's coming up. So if you want to go into that.

COMMISSIONER GAUTREAUX:

I think we had tentatively discussed having our next meeting on the 13th, Friday the 13th.

MR. DUPLECHIN:

I put calendars in each one of your group of papers there with some milestones highlighted on it and some built-in conflicts for having meetings. If you look at the 31st of October, the first milestone would be draft of part II is due to be submitted. November 5th and 11th are state holidays. November 19th is when the Sparta hearing is up in Ruston. And we have tentatively

scheduled Groundwater Advisory Task Force meeting for Thursday -- yes, Thursday, November 21st, that's the week before Thanksgiving, with a Commission meeting the following morning of November 22nd. And this would give the Commissioners some two weeks to look -- actually, more than two weeks, almost three, to look at the draft submittal from Fenstermaker and Associates. As I said before, each commissioner would be receiving a copy of the draft as would the committee chairs for the Advisory Task Force, and electronic copies will be made available for everyone else.

COMMISSIONER GAUTREAUX:

Let's go with that unless someone has a horrible objection to that scheme of things. We are moving into a really -- we are in a critical phase right now, so I would suggest we probably keep to this suggested schedule.

MR. DUPLECHIN:

If we look in the first week at December, the scope of services calls for final presentation to the Commission during the week, so that's why I have it listed five times.

COMMISSIONER GAUTREAUX:

We have a suggestion we move our Commission meeting on the 22nd up to 9:00 o'clock since we may have a lot of discussion. And do we need to increase the time on the 13th? And that's also going to mean two back-to-back meetings.

MR. DUPLECHIN:

Unless you wanted to move the meeting up to the final presentation and meeting that first week.

COMMISSIONER GAUTREAUX:

Since we're going to be seeing a draft, are the Commissioners comfortable with having the final presentation and the vote in that first week of December or moving it to the 13th? Or would you rather have the week between the final presentation and the vote to accept part II or not accept part II?

COMMISSIONER SPICER:

Would it be possible to have a meeting, two meetings without the intent of voting the first meeting but to have a full discussion?

COMMISSIONER GAUTREAUX:

So you'd rather have the two back-to-back meetings?

COMMISSIONER SPICER:

Yes, if there's going to be a lot of issues we may want to recap that and come back and vote on it.

COMMISSIONER GAUTREAUX:

How about the Friday then, Friday the 6th? 9:00?

MR. HAMILTON:

Which meeting is that?

COMMISSIONER GAUTREAUX:

This is the final presentation.

MR. HAMILTON:

Okay, and then we come back in a week and answer --

COMMISSIONER ZAUNBRECHER:

Can it be done earlier in that week?

COMMISSIONER GAUTREAUX:

How about December 4th?

COMMISSIONER ZAUNBRECHER:

That would be better for me.

COMMISSIONER GAUTREAUX:

December 4th in the afternoon. All right, 1:30 December 4th. So we have the task force on -- we have our hearing on the 19th in Ruston; the 21st will be a task force meeting in the afternoon, 1:00 to 3:00. We will start at 9:00 on the 22nd for a Ground Water Management Committee Meeting, then we will have the final presentation of the report to the Commission on the 4th at 1:30. And then on the 13th we will not vote on Part II, December 13th. This is important, though, and we appreciate your participation.

With that, do I have a motion to adjourn?

COMMISSIONER CEFALU:

I make the motion to go.

COMMISSIONER GAUTREAUX:

Do we have a second?

COMMISSIONER SPICER:

I'll second that.

COMMISSIONER GAUTREAUX:

Brad seconds, Mr. Cefalu made the motion. All in favor? (Aye.)

CERTIFICATE

I, SUZETTE M. MAGEE, Certified Court Reporter, do hereby certify that the foregoing meeting was held on October 25, 2002, in the Conservation Hearing Room, Baton Rouge, Louisiana; that I did report the proceedings thereof; that the foregoing pages numbered 1 through 106, inclusive, constitute a true and correct transcript of the proceedings thereof.

_____

SUZETTE M. MAGEE, CCR #93079
CERTIFIED COURT REPORTER